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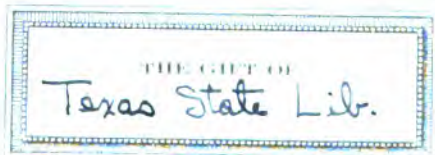
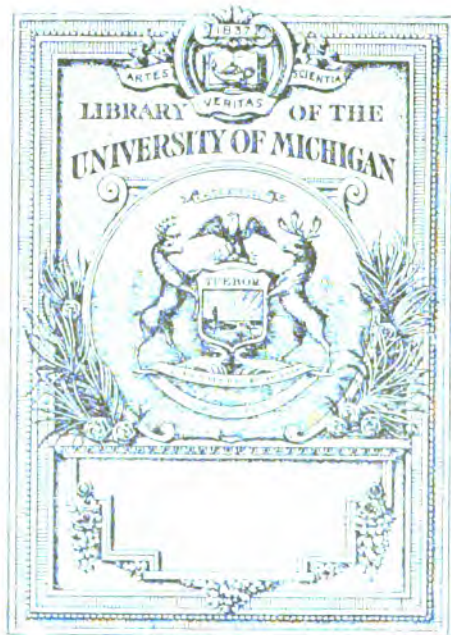
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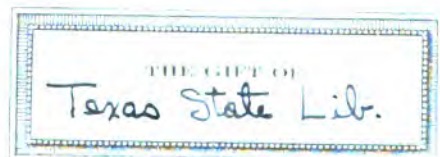
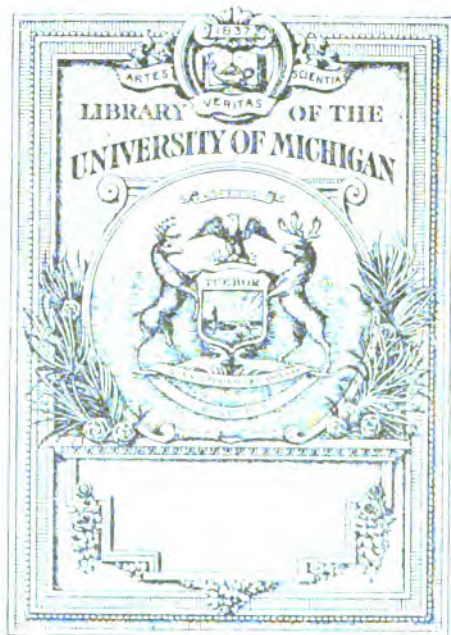
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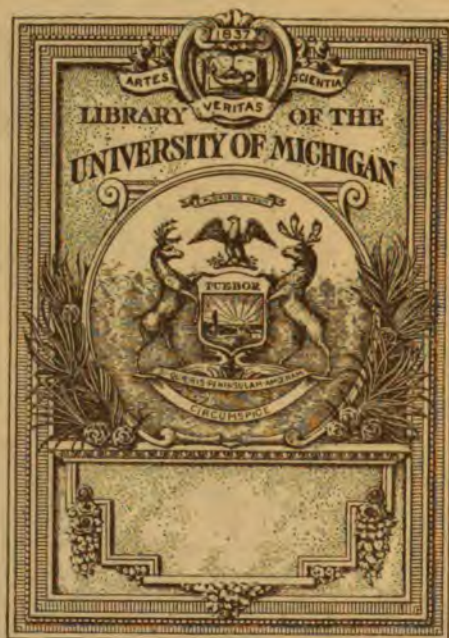
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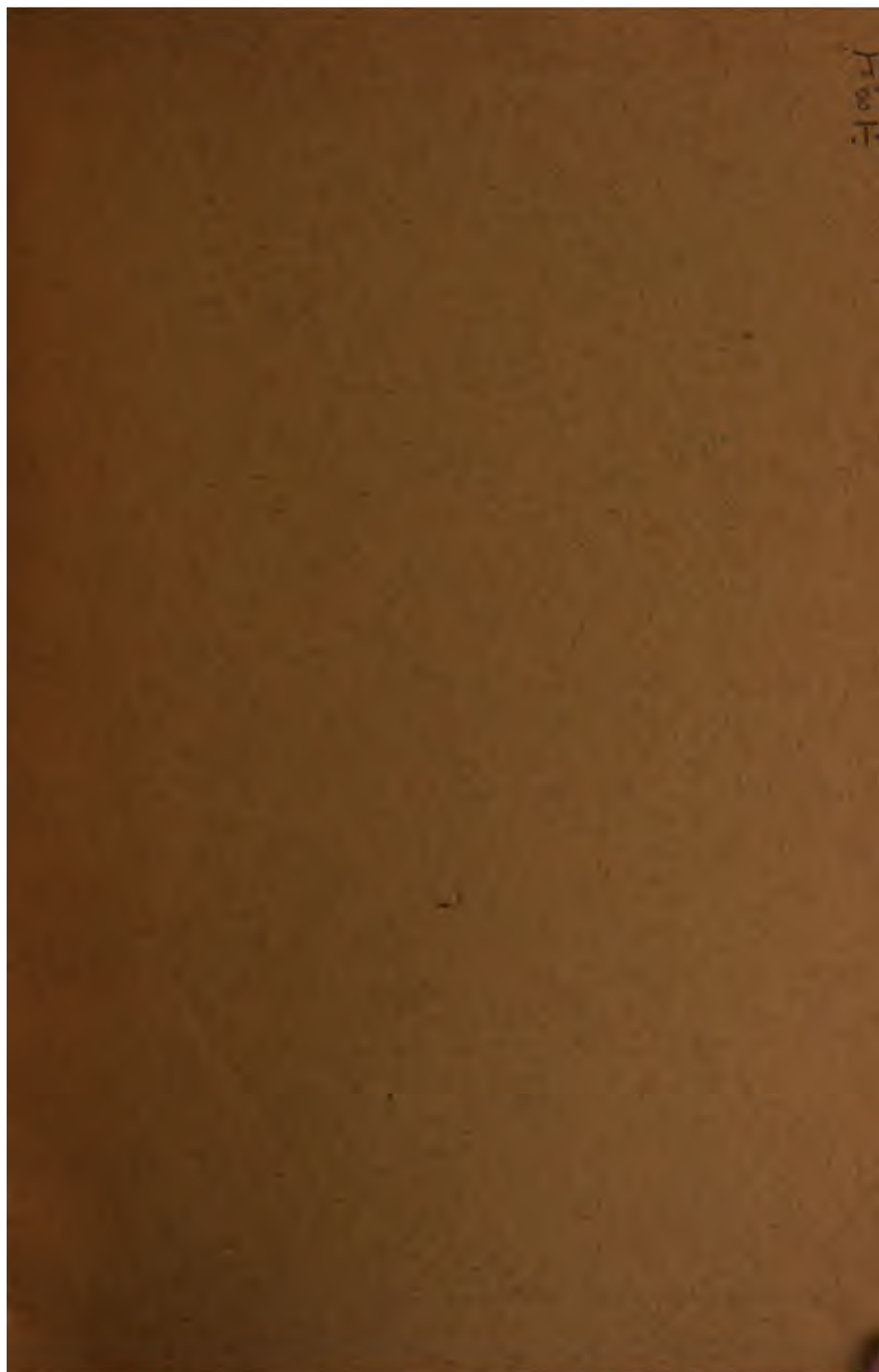
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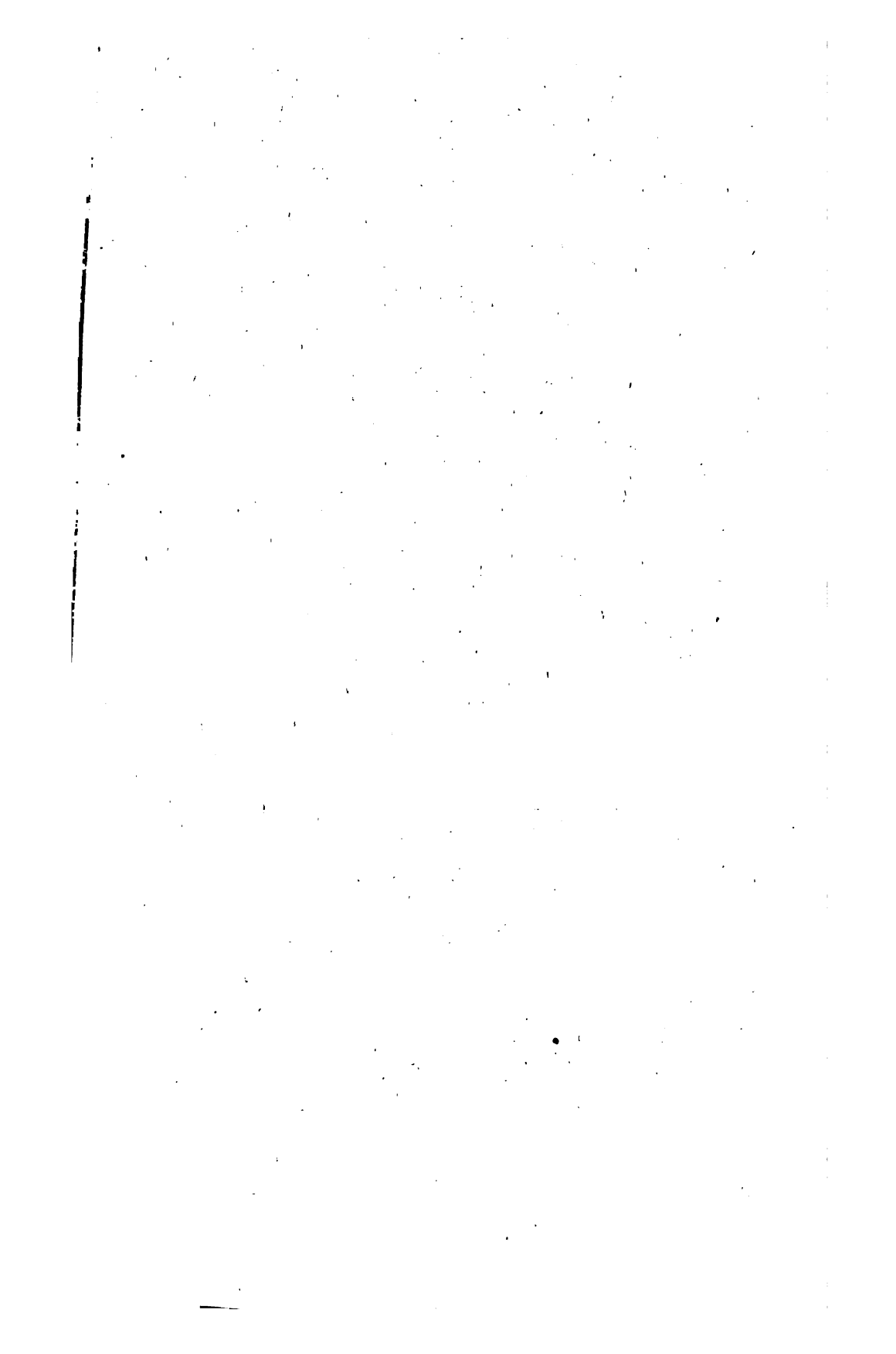


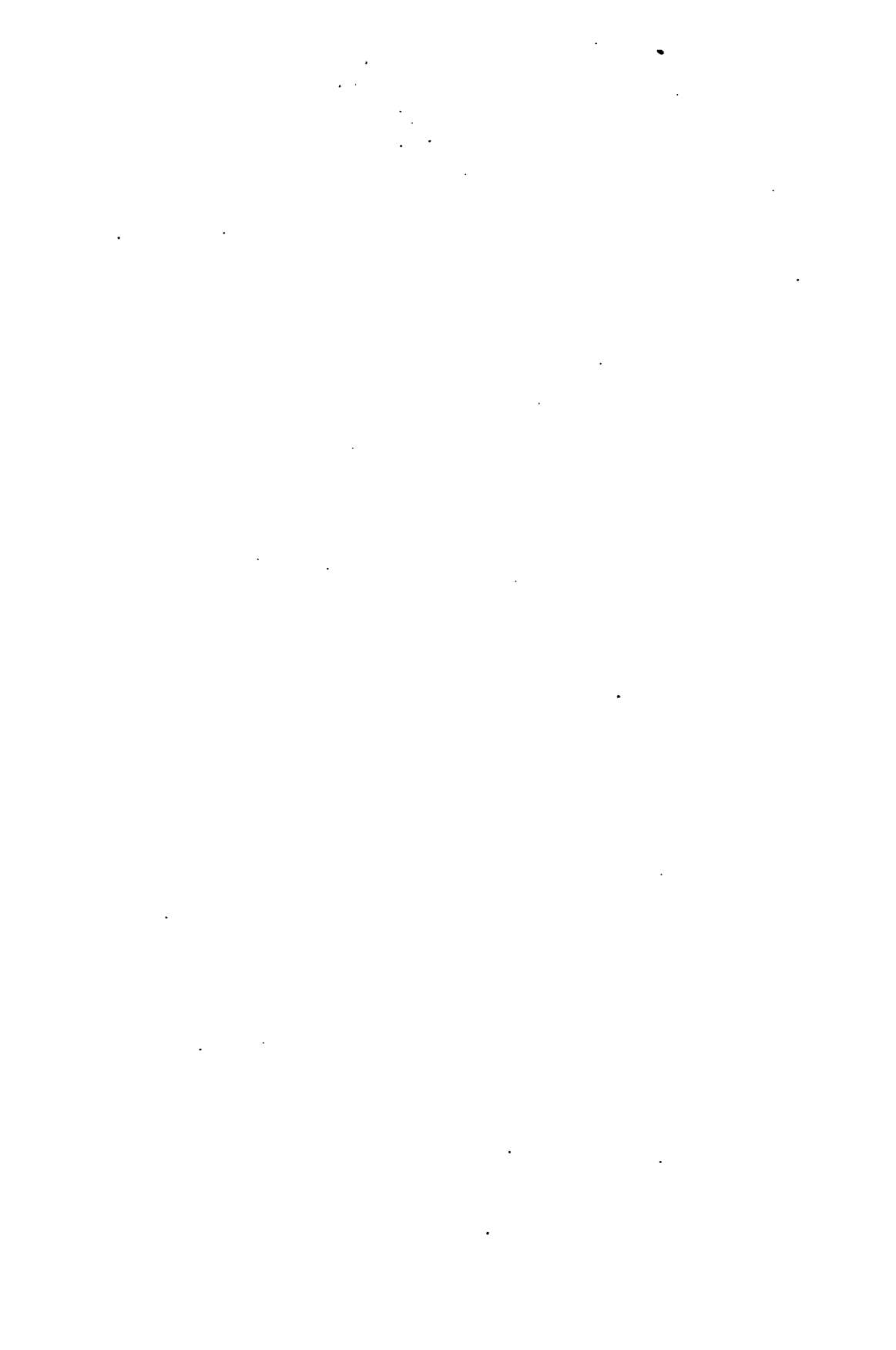
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Legislature Senate Journal

FEB 11 1921

JOURNAL

OF THE

SENATE OF TEXAS

BEING THE

First and Second Called Sessions

OF THE

THIRTY-FIRST LEGISLATURE

BEGUN AND HELD AT

**The City of Austin, March 13, 1909
and April 12, 1909**



AUSTIN, TEXAS:

VON BOECKMANN-JONES COMPANY, PRINTERS

1909

SENATORIAL DISTRICTS—BY WHOM REPRESENTED AND PLACE OF RESIDENCE.

President of Senate—	A. B. Davidson.....	Cuero, Texas.
President Pro Tem.—	Charles L. Brachfield.....	Henderson, Texas
District No. 1—	J. M. Terrell.....	Texarkana, Texas.
District No. 2—	H. B. Thomas.....	Sulphur Springs, Texas.
District No. 3—	B. B. Sturgeon.....	Paris, Texas.
District No. 4—	R. E. Cofer.....	Gainesville, Texas.
District No. 5—	Tom W. Perkins.....	McKinney, Texas.
District No. 6—	E. G. Senter.....	Dallas, Texas.
District No. 7—	W. J. Greer.....	Wills Point, Texas.
District No. 8—	Charles L. Brachfield.....	Henderson, Texas.
District No. 9—	W. R. Holsey.....	Corsicana, Texas.
District No. 10—	Pierce B. Ward.....	Cleburne, Texas.
District No. 11—	H. B. Terrell.....	West, Texas.
District No. 12—	A. J. Harper.....	Mexia, Texas.
District No. 13—	C. C. Stokes.....	Crockett, Texas.
District No. 14—	E. I. Kellie.....	Jasper, Texas.
District No. 15—	McDonald Meachum.....	Navasota, Texas.
District No. 16—	F. Charles Hume, Jr.....	Houston, Texas.
District No. 17—	Thomas W. Masterson.....	Galveston, Texas.
District No. 18—	D. A. Paulus.....	Hallettsville, Texas.
District No. 19—	Q. U. Watson.....	Giddings, Texas.
District No. 20—	John L. Peeler.....	Austin, Texas.
District No. 21—	F. C. Weinert.....	Seguin, Texas.
District No. 22—	W. O. Murray.....	Floresville, Texas.
District No. 23—	John G. Willacy.....	Corpus Christi, Texas.
District No. 24—	Julius Real.....	Kerrville, Texas.
District No. 25—	C. B. Hudspeth.....	El Paso, Texas.
District No. 26—	W. N. Adams.....	Brownwood, Texas.
District No. 27—	E. B. Mayfield.....	Meridian, Texas.
District No. 28—	W. J. Bryan.....	Abilene, Texas.
District No. 29—	J. W. Veale.....	Amarillo, Texas.
District No. 30—	D. M. Alexander.....	Weatherford, Texas.
District No. 31—	J. P. Hayter.....	Decatur, Texas.
Secretary—	Clyde D. Smith.....	Austin, Texas.
Journal Clerk—	R. M. Gilmore.....	Wills Point, Texas.

SENATE JOURNAL.

THIRTY-FIRST LEGISLATURE—FIRST CALLED SESSION.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Saturday, March 13, 1909.

In obedience to the proclamation of His Excellency, T. M. Campbell, Governor of the State of Texas, convening the Thirty-first Legislature in Special Session, this the 13th day of March, 1909, the Senate met at 2 o'clock p. m. and was called to order by Lieutenant Governor A. B. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

W. N. Adams of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

D. M. Alexander of Parker county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

Charles L. Brachfield of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

W. J. Bryan of Taylor county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

R. E. Cofer of Cooke county, representing District No. 4, composed of the counties of Grayson and Cooke.

W. J. Greer of Van Zandt county, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

A. J. Harper of Limestone county, representing District No. 12, composed of the counties of Limestone, Freestone, Robertson and Brazos.

J. P. Hayter of Wise county, representing District No. 31, composed of the counties of Denton, Wise and Montague.

W. R. Holsey of Navarro county, rep-

resenting District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

C. B. Hudspeth of El Paso county, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick, Mason, Crockett, Reagan and Terrell.

F. Charles Hume, Jr., of Harris county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

E. I. Kellie of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

Thomas W. Masterson of Galveston county, representing District No. 17, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

E. B. Mayfield of Bosque county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

McDonald Meachum of Grimes county, representing District No. 15, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

W. O. Murray of Wilson county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

D. A. Paulus of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

John L. Peeler of Travis county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

Tom W. Perkins of Collin county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

Julius Real of Kerr county, representing District No. 24, composed of the

counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

E. G. Senter of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

C. C. Stokes of Houston county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

B. B. Sturgeon of Lamar county, representing District No. 3, composed of the counties of Fannin and Lamar.

J. M. Terrell of Bowie county, representing District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

H. B. Terrell of McLennan county, representing District No. 11, composed of the counties of McLennan, Falls and Milam.

Pierce B. Ward of Johnson county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

Q. U. Watson of Lee county representing District No. 19, composed of the counties of Washington, Burleson, Lee and Bastrop.

F. C. Weinert of Guadalupe county, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

John G. Willacy of Nueces county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit and La Salle.

Absent.

J. W. Veale of Potter county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Farmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

Vacant.

District No. 2, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta. (Seat vacant.)

TEMPORARY ORGANIZATION.

The Chair announced the appointment of the following temporary officers:

Secretary, Clyde D. Smith; Journal Clerk, R. M. Gilmore; Sergeant-at-Arms, M. F. Hornbuckle; Calendar Clerk, W. E. DeLamar; Doorkeeper, Ben S. Rogers.

PERMANENT ORGANIZATION.

The Senate then proceeded to permanent organization, and the following officers were nominated, Senator Willacy making all the nominations:

Senators Hayter, Weinert and Adams were appointed tellers.

Nominations for Secretary being in order, Clyde D. Smith of Wichita county was nominated.

There were no other nominations.

Mr. Smith received 22, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Secretary being in order, J. R. Waties of Harris county was nominated.

There were no other nominations.

Mr. Waties received 18, all the votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Sergeant-at-Arms, M. F. Hornbuckle of Bosque county was nominated.

There were no other nominations.

Mr. Hornbuckle received 20, all votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Sergeant-at-Arms being in order, D. F. Hughes of Limestone county was nominated.

There were no other nominations.

Mr. Hughes received 20, all votes cast, and was declared duly and constitutionally elected.

Nominations for Journal Clerk being in order, R. M. Gilmore of Van Zandt county was nominated.

There were no other nominations.

Mr. Gilmore received 20, all votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Journal Clerk being in order, J. R. Johnson of Red River county was nominated.

There were no other nominations.

Mr. Johnson received 20, all votes cast, and was declared duly and constitutionally elected.

Nominations for Calendar Clerk being in order, W. E. DeLamar of Rusk county was nominated.

There were no other nominations.

Mr. DeLamar received 20, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Doorkeeper, Ben S. Rogers of Washington county was nominated.

There were no other nominations.

Mr. Rogers received 17, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Assistant Doorkeeper, E. L. Dreeben of Howard county was nominated.

There were no other nominations.

Mr. Dreeben received 19, all votes cast, and was declared duly and constitutionally elected.

Nominations for Chaplain being in order, Rev. H. M. Sears was nominated.

There were no other nominations.

Rev. Sears received 21, all votes cast, and was declared duly and constitutionally elected.

Nominations for Enrolling Clerk being in order, M. P. Kelly of Denton county was nominated.

There were no other nominations.

Mr. Kelly received 20, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Engrossing Clerk, F. P. Smith of Cooke county was nominated.

There were no other nominations.

Mr. Smith received 21, all votes cast, and was declared duly and constitutionally elected.

OATH OF OFFICE ADMINISTERED.

The Chair (Lieutenant Governor Davidson) here administered the oath of office to the above elected officers, except M. P. Kelly, who was absent.

SPECIAL COMMITTEE REPORT.

By Senator Hudspeth:

Austin, Texas, March 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your committee appointed to make recommendations as to the employees to be retained by the Senate at the Special Session beg leave to make the following report:

We recommend that the following stenographers of the Regular Session be retained during the Special Session of the Legislature, and that these stenographers shall act as clerks for the different committees:

Miss Eula Hurlock, Miss Jennie

Daugherty, W. R. Vermillion, Miss Rachel Lang, Miss Theodora Bell, Miss Margaret Claiborne, Miss J. G. Nagle, Mrs. Hope H. Hawkins, Miss Viola Morris, Miss Mary McSpadden, Miss Beatrice Hearne, Miss Katie Werner, Mr. Jack Hall.

We also recommend that the stenographers to be retained come and work at night for any Senator so desiring.

We also recommend that the Lieutenant Governor appoint eight pages and six porters. We also recommend that J. H. Wagner be retained as Clerk of Finance Committee, and that Chas. Rugel be retained as bookkeeper to the Sergeant-at-Arms.

BRACHFIELD,
MAYFIELD,
HUDSPETH,
WATSON.

Senator Ward offered the following amendment to the resolution, which was read and adopted:

Resolved by the Senate, That Miss Jennie Brin be, and she is hereby appointed stenographer and secretary to the Chairman of the Committee on Engrossed Bills, upon the same terms and conditions that the other stenographers and committee clerks are appointed for the First Special Session of the Thirty-first Legislature.

WARD,
WATSON,
HUDSPETH.

The report, as amended, was then adopted.

The Chair, in accordance with the above report, made the following appointments:

Pages—Cecil D. McHenry of Lampasas county, Berwin Hale of Lee county, O. B. Zengerle of Bexar county, Hubert Wheelless of Travis county, Frank M. Ball, Jr., of Bowie county, Bryan Montgomery of Tarrant county, Fred Buchanan of Harris county and J. G. Belcher of Travis county.

Porters—Ellis Monroe, Frank Brown, John Walker, Chester Odom, Frank Kelly and John Robison.

SIMPLE RESOLUTIONS.

By Senators Willacy and Alexander:

Resolved, That the rules of the Regular Session of the Thirty-first Legislature be adopted for the government of this Special Session.

The resolution was read and adopted.

By Senator Willacy:

Resolved, That the President of the Senate be authorized to appoint one postmistress and one private secretary.

The resolution was read and adopted.

In accordance with the above resolution the Chair (Lieutenant Governor Davidson) made the following appointments:

Private Secretary—R. J. Waldeck.

Postmistress—Mrs. A. T. Shirley.

PRESIDENT PRO TEM.—ELECTION OF.

The Chair announced that the election of a President Pro Tem. was the next order of business, whereupon Senator Willacy placed Senator Brachfield in nomination for that place.

The nomination was seconded by Senators Hume, Terrell of Bowie, Alexander, Kellie, Watson, Peeler, Cofer, Mayfield and Masterson.

Senators Hayter, Weinert and Adams were appointed tellers.

There being no other nominations the Chair declared nominations closed.

Senator Brachfield received 25 votes, all the votes cast, and was declared duly and constitutionally elected.

Senators Willacy, Hume and Alexander escorted the President Pro Tem. elect to the chair, whereupon the constitutional oath of office was administered him by the Lieutenant Governor A. B. Davidson.

Senator Brachfield was then introduced to the Senate, and in a few well chosen words thanked the Senate for the honor conferred on him.

NOTIFICATION COMMITTEES.

Senator Cofer here moved that a committee of three be appointed to notify the House of Representatives that the Senate was organized and ready for business. The motion was adopted, and the Chair appointed Senators Cofer, Hudspeth and Mayfield as the committee.

Senator Weinert made a like motion for a committee to notify the Governor, and the Chair appointed Senators Weinert, Meachum and Senter as the committee.

ADJOURNMENT.

On motion of Senator Weinert, the Senate adjourned until 2 o'clock p. m. Monday.

SECOND DAY.

Senate Chamber,
Austin, Texas.

Monday, March 15, 1909.

Senate met pursuant to adjournment. President Pro Tem. Brachfield presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Masterson.	

Absent.

Bryan.	Sturgeon.
Paulus.	Veale.
Real.	Weinert.
Senter.	

On motion of Senator Hume, the Senate was at ease for an hour, which made the time 3:03 o'clock.

The Senate was again called to order by President Pro Tem. Brachfield.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

(Lieutenant Governor Davidson in the chair.)

NOTIFICATION COMMITTEES—REPORT OF.

Here a committee from the House appeared at the bar of the Senate, and informed the Senate that the House was organized and ready for business.

The Senate committee, appointed to inform the House that the Senate was organized and ready for business, here reported that they had performed their duty.

Here the Chair appointed Senators Meachum, Greer and Hume as a committee to notify the Governor that the Senate was organized and ready for business.

The committee proceeded at once to attend the duties, and made their report.

BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Thirty-first Legislature of the State of Texas."

Read first time, and referred to Committee on Finance.

By Senator Hudspeth:

Senate bill No. 2, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in Tom Green and El Paso counties, and making the necessary appropriation therefor."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Willacy:

Senate bill No. 3, A bill to be entitled "An Act making appropriation to pay per diem pay of members and per diem of officers and employes of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Alexander:

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Mayfield:

Senate bill No. 5, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station to be located in the Twenty-seventh Senatorial District, composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senators Mayfield and Terrell of McLennan:

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter 11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justices of the peace, and repealing all laws and parts of laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Adams:

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, McCulloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Harper:

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

Read first time, and referred to Committee on Public Health.

By Senator Hayter:

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senators Stokes, Harper, Meachum and Brachfield:

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing and answer in all cases where the defendant is cited by publication, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harper:

Senate bill No. 11, A bill to be entitled "An Act to regulate the procedure in the appellate courts of this State, and to provide for the filing of the original statement of facts as a part of the record on appeal and writ of error in all causes on appeal or writ of error, from all courts, both civil and criminal, with an emergency clause."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Watson:

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Watson:

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Alexander:

Senate bill No. 14, A bill to be entitled "An Act to amend Chapter 5, Title 51 of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Alexander:

Senate bill No. 15, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125

of said chapter relating to citations in the sale of land by executors or administrators of the estates of decedents, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 16, A bill to be entitled "An Act for the protection of stock and stock raisers, farmers and horticulturists from the danger of wolf bite, and the communication of the dangerous disease of hydrophobia, and for the destruction of wolves and other wild animals, subject to the disease of hydrophobia, and to provide a means of paying for their destruction, and to make an appropriation for paying for their destruction; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Public Health.

By Senator Hudspeth:

Senate bill No. 17, A bill to be entitled "An Act to amend Articles 1544 and 1546 of Chapter 2, Title 32 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Kellie:

Senate Concurrent Resolution No. 1. Providing for sine die adjournment of the First Called Session of the Thirty-first Legislature; fixing the time for April 6, 1909.

Read first time, and referred to Committee on Finance.

SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Be it resolved, by the Senate, That each Senator and the Lieutenant Governor be authorized to subscribe for five daily papers to be paid for out of the contingent fund of the Senate, said papers to cost as follows: Three cents per copy for all such papers that are handled by private parties from incoming trains, and 75 cents per month for all such papers that are delivered to the Senators through the postoffice.

TERRELL of Bowie,
HUDSPETH.

Senator Cofer offered the following amendment to the resolution:

Amend by making it three copies.

Senator Terrell of Bowie moved to table the amendment, which motion was adopted by the following vote:

Yeas—14.

Adams.	Meachum.
Alexander.	Peeler.
Greer.	Perkins.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Watson.
Mastereson.	Willacy.

Nays—8.

Brachfield.	Holsey.
Cofer.	Murray.
Harper.	Terrell of McLennan.
Hayter.	Ward.

Absent.

Bryan.	Senter.
Mayfield.	Sturgeon.
Paulus.	Veale.
Real.	Weinert.

Senator Alexander offered the following substitute for the resolution:

Resolved, by the Senate, That each member of this Senate and the Lieutenant Governor, be allowed to subscribe for five daily papers, to be paid for out of the contingent fund of this Senate at not to exceed 75 cents per month, to be promptly delivered.

ALEXANDER,
MASTERSON.

The substitute was adopted, and the resolution, as substituted, was then adopted.

SIMPLE RESOLUTION.

By Senator Watson:

Be it resolved, by the First Called Special Session of the Thirty-first Senate of the State of Texas, That the salary of Clyde D. Smith, Secretary; Raymond Gilmore, Journal Clerk, and W. E. DeLamar, Calendar Clerk, be fixed at the sum of \$7.50 per day during the said Special Session.

Senator Cofer offered the following amendment to the resolution:

Amend by adding the name of "Frank Smith, Engrossing Clerk."

Senator Brachfield made the point of order on the resolution and amendment that it was in conflict with the Constitution.

The Chair sustained the point of order.

Senator Brachfield offered the follow-

ing substitute for the resolution and amendment:

All officers and employes shall be paid the sum of \$5.00 per day, except the porters and pages, who shall receive \$2.00 per day.

BRACHFIELD,
WILLACY,
HARPER,
COFER.

The substitute was read, and adopted by the following vote:

Yeas—12.

Alexander.	Mayfield.
Brachfield.	Murray.
Cofer.	Stokes.
Greer.	Terrell of McLennan.
Harper.	Ward.
Holsey.	Willacy.

Nays—10.

Adams.	Mastereson.
Hayter.	Peeler.
Hudspeth.	Perkins.
Hume.	Terrell of Bowie.
Kellie.	Watson.

Absent.

Bryan.	Senter.
Meachum.	Sturgeon.
Paulus.	Veale.
Real.	Weinert.

OATH OF OFFICE ADMINISTERED.

Here the Chair (Lieutenant Governor Davidson) administered the constitutional oath of office to M. P. Kelly, Enrolling Clerk.

SENATE BILL NO. 1.

Senator Willacy called for Senate bill No. 1.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—21.

Adams.	Hume.
Alexander.	Kellie.
Brachfield.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Harper.	Perkins.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.

Ward.
Watson.

Willacy.

Absent.

Bryan.
Masterson.
Mayfield.
Paulus.
Real.

Senter.
Sturgeon.
Veale.
Weinert.

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—21.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.

Mayfield.
Meachum.
Murray.
Peeler.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Willacy.

Absent.

Bryan.
Masterson.
Paulus.
Perkins.
Real.

Senter.
Sturgeon.
Veale.
Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 1, contingent expense (see committee report for caption of).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.

Mayfield.
Meachum.
Murray.
Peeler.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Willacy.

Absent.

Bryan.
Masterson.
Paulus.
Perkins.
Real.

Senter.
Sturgeon.
Veale.
Weinert.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.

Mayfield.
Meachum.
Murray.
Peeler.
Perkins.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Willacy.

Absent.

Bryan.
Masterson.
Paulus.
Real.

Senter.
Sturgeon.
Veale.
Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 3.

Senator Willacy called up Senate bill No. 3, and

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—22.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.

Mayfield.
Meachum.
Murray.
Peeler.
Perkins.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Willacy.

Absent.

Bryan.
Masterson.
Paulus.
Real.

Senter.
Sturgeon.
Veale.
Weinert.

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.

Absent.

Bryan.	Senter.
Masterson.	Sturgeon.
Paulus.	Veale.
Real.	Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 3, per diem bill (see committee report for caption of).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Masterson.	

Absent.

Bryan.	Sturgeon.
Paulus.	Veale.
Real.	Weinert.
Senter.	

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Masterson.	

Absent.

Bryan.	Sturgeon.
Paulus.	Veale.
Real.	Weinert.
Senter.	

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTIONS.

By Senator Terrell of Bowie:

Whereas, The Governor has by message submitted to this Called Session of the Legislature one subject for legislation as follows: To enact adequate laws simplifying the procedure in both civil and criminal courts of this State, and to enact laws amending and changing the existing laws governing court procedure, as will reduce the present unusual and unnecessary expense of litigation, and as will tend to the speedy administration of justice in civil and criminal cases; therefore be it

Resolved, That the President of the Senate appoint a special committee of five Senators to draw bills covering the subjects named and present them to the Senate at as early a date as possible, said committee to allow any Senator who may wish to appear before said committee and make suggestions.

Senator Watson made a point of order on the resolution that same was in conflict with the rules, but the Chair overruled the point of order.

The resolution was laid on the table, subject to call.

By Senator Perkins:

Resolved, That the nominating and seconding speeches Saturday for the President Pro Tem. of the Senate, and the acceptance speech of the President Pro Tem. be printed in the Journal.

The resolution was read and adopted.

By Senator Hayter:

Whereas, The Assistant Doorkeeper, E. L. Dreeben, has lost his stock of merchandise by fire, and it being necessary for him to return home to adjust the loss with the insurance company; therefore be it

Resolved, by the Senate, That he be excused from attendance upon the Senate Wednesday, Thursday and Friday of this week.

Brachfield, Hume, Cofer, Hayter, Holsey, Murray, Peeler, Greer, Harper, Masterson, Willacy, Meachum, Alexander, Watson, Hudspeth, Adams, Perkins, Kellie, Ward, Terrell of McLennan, Terrell of Bowie, Stokes.

The resolution was read, and adopted.

ADJOURNMENT.

On motion of Senator Perkins, the Senate, at 4:25 o'clock p. m., adjourned until Wednesday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, March 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Hayter, Chairman; Willacy, Hudspeth, Murray, Hume, Kellie.

(Floor Report.)

Austin, Texas, March 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 1, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First

Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Harper, Meachum, Murray, Holsey, Peeler, Terrell of Bowie, Brachfield.

(Floor Report.)

Austin, Texas, March 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 3, A bill to be entitled "An Act making appropriation to pay per diem pay of members and per diem of officers and employees of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Harper, Meachum, Murray, Holsey, Peeler, Terrell of Bowie, Brachfield.

PETITIONS AND MEMORIALS.

By Senator Cofer:

To the Legislature of Texas:

The undersigned, citizens of Grayson county, respectfully represent that we are informed that our county auditor says that Grayson county has paid an average of \$19,000 a year for the last five years for jurors. We believe that three-fourths of the time of our courts devoted to civil business is taken up by railroad damage suits and that of this three-fourths, one-half is by suits that do not properly belong here, and in which our people have no interest—suits in which the plaintiffs do not live in Texas and do not receive their injuries in Texas—suits in which the plaintiffs live in Arkansas, Kansas, Oklahoma and Missouri and received their injuries in those States and ought to bring their suits there. It is not right that our people should be burdened with taxes to pay these expenses.

The auditor's statement shows that of the \$20,000 paid by Grayson county in 1908 for jurors \$6,000 was paid in these

cases where the plaintiffs were not injured here and do not live here.

The courts should be open to every one who has a cause of action or thinks he has one, but let him go where he belongs.

We respectfully ask you to give us relief by passing a law depriving our courts of jurisdiction to try such cases.

Numerously signed.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 17, 1909.

Senate met pursuant to adjournment, President Pro Tem. Brachfield presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.

Absent.

Bryan.	Real.
Hume.	Sturgeon.
Masterson.	Veale.
Paulus.	Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Sturgeon for last Saturday and all of this week, on motion of Senator Kellie.

Senator Paulus for last Saturday and all of this week, on motion of Senator Kellie.

Senator Senter for Monday of this week, on motion of Senator Hudspeth.

BILLS AND RESOLUTIONS.

By Senators Ward and Bryan:

Senate bill No. 18, A bill to be entitled

"An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency."

Read first time, and referred to Committee on Finance.

ADJOURNMENT.

Senator Watson moved that the Senate do now adjourn until tomorrow morning at 10 o'clock, said adjournment being in honor of St. Patrick's day.

The motion was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 3, A bill to be entitled "An Act making appropriation to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

(Floor Report.)

Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in Tom Green and El Paso counties, and making the necessary appropriation therefor,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Willacy, Kellie, Cofer, Murray, Perkins, Paulus, Holsey.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, March 18, 1909.

Senate met pursuant to adjournment, President Pro Tem. Brachfield presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Veale.
Harper.	Weinert.
Masterson.	

Absent—Excused.

Paulus. Sturgeon.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Mayfield for Tuesday and yes-

terday, on motion of Senator Hudspeth Senator Real for Monday and yesterday, on motion of Senator Alexander. Senator Terrell of McLennan for today and tomorrow, on motion of Senator Holsey.

On account of sickness:

F. P. Smith, Engrossing Clerk, for today and until he gets better, on motion of Senator Cofer.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 1, A bill to be entitled "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Thirty-first Legislature of the State of Texas."

Senate bill No. 3, A bill to be entitled "An Act making appropriation to pay per diem pay of members and per diem of officers and employes of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Ward:

Senate bill No. 19, A bill to be entitled "An Act defining land suits, providing for the compulsory attendance upon the trial of such suits, of witnesses residing or who may be found outside of the county in which such suit is pending, and for the production by such witnesses upon the trial of such suit of books, papers and other evidence in or subject to the custody, control or possession of such witnesses, and for mileage and per diem of such witnesses, and for collection and payment thereof; providing for compulsory process to enforce such attendance of such witnesses and prescribing fees for service thereof, and compensation thereof; prescribing penalties for violation of the provisions of this act, and for the enforcement of such penalties; making this act cumulative of existing laws; making an appropriation to carry the provisions of

this act into effect, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hume:

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate bill No. 21, A bill to be entitled "An Act to amend Article 2534 and Article 2535, Title 49 of the Revised Civil Statutes of 1895, relating to appeals in cases of forcible entry and detainer, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate bill No. 22, A bill to be entitled "An Act to amend Article 2256, Chapter 31, Title 39 of the Revised Civil Statutes of 1895, relating to appeals to the District Court in probate cases, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

By unanimous consent, after the morning call had been concluded:

By Senator Hudspeth:

Senate bill No. 23, A bill to be entitled "An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appro-

priation therefor, and to declare an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Cofer:

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State to be liable to employees for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow, and children and mother and father of the deceased, and if none then of the next of kin dependent upon such employees; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases, and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States, or in any way interfere with any proceeding now pending in any court, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senators Brachfield and Harper:

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Meachum, Stokes, Mayfield, Alexander and Harper:

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to pro-

mote free competition in the State of Texas, and to repeal all laws in conflict therewith, providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

SENATE BILL NO. 2.

The Chair laid before the Senate, on second reading, and pending business.

Senate bill No. 2. A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in Tom Green and El Paso counties, and making the necessary appropriation therefor."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and Senators Alexander and Harper offered the following amendment:

Amend the bill by striking out of line 3, Section 3, page 1, the word "thirty" and insert the word "ten."

Senator Holsey moved that the amendment and the bill be laid on the table subject to call, and

Senator Hudspeth moved to table the motion to lay on the table subject to call, which motion was adopted by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—4.

Brachfield.	Holsey.
Greer.	Stokes.

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Action recurred on the amendment by Senators Alexander and Harper, which was adopted.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "fifteen," in Section 2, and insert the word "fifty."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Whereas, There has been a general demand for copies of the Senate Journal of March 13, which contains the proceedings leading up to the expulsion of H. Bascom Thomas, therefore,

Be it resolved, That 8000 copies of the Senate Journal of that date be published for distribution among the people of Texas, that they might become familiar with the cause that lead up to the action of the Senate in expelling him.

The resolution was read and adopted.

SENATE BILL NO. 7.

Senator Adams called for Senate bill No. 7, and

On motion of Senator Adams, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.
Stokes.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-

sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, McCulloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "fifteen," in line 3, Section 3, and inserting the word "five."

ADAMS,
ALEXANDER,
WATSON.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "fifteen" before the word "acres," in Section 2, and insert the word "fifty."

ALEXANDER,
WILLACY.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.
Perkins.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Nays—1.

Holsey.

Absent.

Bryan.	Veale.
Masterson.	Weinert.
Perkins.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 5.

Senator Mayfield called for Senate bill No. 5.

On motion of Senator Mayfield, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—3.

Greer.	Holsey.
Harper.	

Absent.

Bryan.	Ward.
Masterson.	Weinert.
Veale.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, o second reading,

Senate bill No. 5, A bill to be entitle: "An Act to provide for the establishmen and maintenance of an Agricultural Experiment Station to be located in the Twenty-seventh Senatorial District composed of Bosque, Coryell, Hamiltor and Bell counties, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "station," in line 3, Section 2, the following: "To consist of not less than fifty acres."

WILLACY,
ALEXANDER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the figures "\$10,000," in line 3 of Section 3, and insert in lieu thereof the following: "\$5000."

WILLACY,
ALEXANDER.

Bill read second time, and ordered engrossed.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—3.

Greer.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—20.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—3.

Greer.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 13.

Senator Watson called for Senate bill No. 13, and

Senator Watson moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The roll call showed no quorum, the following Senators answering to their names:

Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Harper.	Senter.
Holsey.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Adams.	Masterson.
Bryan.	Real.
Greer.	Veale.
Hume.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Watson moved a call of the Senate for the purpose of securing a quorum. The motion was seconded.

The roll was called, the following Senators answering to their names, a quorum being present:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Absent.

Bryan.	Real.
Greer.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Action then recurred on the motion to suspend the Senate rule requiring committee reports to lie over for one day, for the purpose of considering Senate bill No. 13.

The motion was adopted by the following vote:

Yeas—18.

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Hayter.	Real.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Senter.
Greer.	Veale.
Masterson.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricul-

tural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "fifteen," in line 4, Section 2, and insert in lieu thereof the word "fifty."

ALEXANDER,
WILLACY,
MEACHUM.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the words "fifteen thousand," in Section 3, and insert in lieu thereof the words "five thousand."

ALEXANDER,
WILLACY,
MEACHUM.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—19.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Greer.	Weinert.
Masterson.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—19.

Adams.	Cofer.
Alexander.	Hayter.

Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Mayfield.	Terrell of Bowie.
Meachum.	Ward.
Murray.	Watson.
Peeler.	Willacy.
Perkins.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Greer.	Weinert.
Masterson.	

Absent—Excused.

Paulus.	Terrell of
Sturgeon.	McLennan.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

I vote no, and my reasons are these: I am opposed to locating experimental stations at present in the central black land belt of Texas. I believe there should be four experimental stations, to be located by the Agricultural and Mechanical College Board, and that these should be located in the west or arid portions of the State, and that a sufficient appropriation should be made to improve and make a perfect experimental farm of the two thousand acres of land at the Agricultural and Mechanical College, and to maintain those in other parts of the State as they should be.

HOLSEY.

SENATE BILL NO. 9.

Senator Hayter called for Senate bill No. 9, and

Senator Hayter moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The roll call on the above motion showed no quorum voting, the following Senators answering to their names:

Adams.	Hayter.
Alexander.	Hudspeth.
Brachfield.	Hume.
Cofer.	Kellie.
Harper.	Mayfield.

Meachum.	Senter.
Murray.	Stokes.
Peeler.	Terrell of Bowie.
Perkins.	Ward.
Real.	Watson.

Absent.

Bryan.	Veale.
Greer.	Weinert.
Holsey.	Willacy.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Peeler moved a call of the Senate, for the purpose of securing a quorum. The motion was seconded.

The roll was called, which showed a quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Masterson.
Cofer.	Veale.
Greer.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Action then recurred on the motion to suspend the Senate rule requiring committee reports to lie over for one day, for the purpose of considering this bill.

The motion prevailed by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Terrell of Bowie.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Masterson.
Cofer.	Veale.
Greer.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Alexander offered the following amendment, which was read and adopted:

Amend by striking out the figures "\$10,000," in line 3, Section 3, and insert in lieu thereof the following: "\$5000."

ALEXANDER,
WILLACY,
MEACHUM.

Senator Alexander offered the following amendment, which was read and adopted:

Amend by inserting after the word "station," in line 3 of Section 2 the following: "Which shall include not less than fifty acres."

ALEXANDER,
WILLACY,
MEACHUM.

Bill read second time, and ordered engrossed.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Terrell of Bowie.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

tural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "fifteen," in line 4, Section 2, and insert in lieu thereof the word "fifty."

ALEXANDER,
WILLACY,
MEACHUM.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the words "fifteen thousand," in Section 3, and insert in lieu thereof the words "five thousand."

ALEXANDER,
WILLACY,
MEACHUM.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—19.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Greer.	Weinert.
Masterson.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—19.

Adams.	Cofer.
Alexander.	Hayter.

Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Mayfield.	Terrell of Bowie.
Meachum.	Ward.
Murray.	Watson.
Peeler.	Willacy.
Perkins.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Veale.
Greer.	Weinert.
Masterson.	

Absent—Excused.

Paulus.	Terrell of
Sturgeon.	McLennan.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

I vote no, and my reasons are these: I am opposed to locating experimental stations at present in the central black land belt of Texas. I believe there should be four experimental stations, to be located by the Agricultural and Mechanical College Board, and that these should be located in the west or arid portions of the State, and that a sufficient appropriation should be made to improve and make a perfect experimental farm of the two thousand acres of land at the Agricultural and Mechanical College, and to maintain those in other parts of the State as they should be.

HOLSEY.

SENATE BILL NO. 9.

Senator Hayter called for Senate bill No. 9, and

Senator Hayter moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The roll call on the above motion showed no quorum voting, the following Senators answering to their names:

Adams.	Hayter.
Alexander.	Hudspeth.
Brachfield.	Hume.
Cofer.	Kellie.
Harper.	Mayfield.

Meachum.	Senter.
Murray.	Stokes.
Peeler.	Terrell of Bowie.
Perkins.	Ward.
Real.	Watson.

Absent.

Bryan.	Veale.
Greer.	Weinert.
Holsey.	Willacy.
Masterson.	

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Senator Peeler moved a call of the Senate, for the purpose of securing a quorum. The motion was seconded.

The roll was called, which showed a quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Masterson.
Cofer.	Veale.
Greer.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

Action then recurred on the motion to suspend the Senate rule requiring committee reports to lie over for one day, for the purpose of considering this bill.

The motion prevailed by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Terrell of Bowie.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Bryan.	Masterson.
Cofer.	Veale.
Greer.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Alexander offered the following amendment, which was read and adopted:

Amend by striking out the figures "\$10,000," in line 3, Section 3, and insert in lieu thereof the following: "\$5000."

ALEXANDER,
WILLACY,
MEACHUM.

Senator Alexander offered the following amendment, which was read and adopted:

Amend by inserting after the word "station," in line 3 of Section 2 the following: "Which shall include not less than fifty acres."

ALEXANDER,
WILLACY,
MEACHUM.

Bill read second time, and ordered engrossed.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Terrell of Bowie.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—3.

Brachfield.
Harper.

Holsey.

Absent.

Bryan.
Cofer.
Greer.

Masterson.
Veale.
Weinert.

Absent—Excused.

Paulus.
Sturgeon.

Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—18.

Adams.
Alexander.
Hayter.
Hudspeth.
Hume.
Kellie.
Mayfield.
Meachum.
Murray.
Peeler.

Perkins.
Real.
Senter.
Stokes.
Terrell of Bowie.
Thomas.
Ward.
Watson.
Willacy.

Nays—3.

Brachfield.
Harper.

Holsey.

Absent.

Bryan.
Cofer.
Greer.

Masterson.
Veale.
Weinert.

Absent—Excused.

Paulus.
Sturgeon.

Terrell of McLennan.

Senator Hayter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

RECESS.

On motion of Senator Mayfield, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Brachfield.

EXECUTIVE MESSAGE.

The following message from the Governor was received and read:

Executive Office,
State of Texas,

Austin, Texas, March 18, 1909.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects and suggest legislation thereon:

1. To regulate and fix the passenger fares on all railroads in this State, and to provide for the redemption of all railroad tickets sold.

2. To enact adequate laws and amend existing laws relative to the rendition and assessment of all taxable property and the equalization thereof for taxation in this State, and to provide appropriate penalties and venue.

3. Appropriate legislation for the reimbursement of the permanent county school fund of counties in which the same has been impaired or squandered and the complete rehabilitation, protection and preservation of the permanent school fund of counties in the future.

4. To enact laws making appropriations for the necessary funds for the protection and security of the public free school lands and other public lands belonging to the State, and to better enable the State to recover such lands from trespassers and unlawful occupants; and to enact laws to secure the personal attendance of witnesses on the trial of causes instituted by the State for the recovery of all such public lands.

5. Such laws as will provide for all necessary supervision, examination and control of all banking corporations, and banks doing business in this State other than national banks.

6. Such legislation upon the subject of life and fire insurance as will provide adequate and safe insurance protection for the people of this State, and as will reduce the cost of insurance and also the hazard of loss by fire.

7. Such laws as will provide suitable penalties and venue for violations of the Anti-Trust Laws of this State, and to check the evils of unlawful monopolies and combinations having for their object the control of the necessities of life, and the arbitrary advance or reduction of prices thereof.

8. The enactment of laws to conform

the statutes of this State to the Federal statutes upon the subject of the liability of railroads and common carriers engaged in State and interstate commerce to their employees, and to fix venue in all personal injury cases.

9. To amend and strengthen our statutes regulating the granting of liquor licenses, and the revocation and cancellation thereof, and the regulation of the liquor traffic so as to secure the enforcement of said laws, and for such laws as will secure the enforcement of all laws respecting the liquor traffic in this State.

10. The enactment of laws to provide a system of electric power and lights and waterworks for the purpose of supplying electric power, electric lighting and water to the State Capitol, the General Land Office, the Governor's Mansion, the State University, and the various public institutions of the State, by the construction of the State's own plant or plants, or to contract for such electric power, electric lighting and water.

11. To amend the existing inheritance tax law and provide for the enforcement of sale, and laws providing for the collection of delinquent taxes upon property, real, personal and mixed.

12. Laws creating county courts for criminal cases, defining the jurisdiction thereof and providing for the appointment of judges of such courts.

T. M. CAMPBELL,
Governor of Texas.

SENATE BILL NO. 8.

Action recurred on Senate bill No. 8, which was unfinished business when the Senate recessed.

Senator Terrell of Bowie moved that the bill be considered by sections, which motion was adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That Jack Hall be elected Assistant Engrossing Clerk, to perform not only such duties, but also such duties as he is now performing under appointment as one of the Senate clerks.

The resolution was read and adopted.

OATH OF OFFICE ADMINISTERED.

The Chair, President Pro Tem. Brachfield, here administered the constitutional oath of office to Mr. Hall as Assistant Engrossing Clerk.

SENATE BILL NO. 8.

Action then recurred on Section 1 of Senate bill No. 8.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "shall," page 3, line 21, the following:

"Respectively be the head and executive officer of his own department and shall."

Senators Alexander and Cofer offered the following amendment:

Amend the bill by inserting after the word "colleges," in line 11, page 3, the following: "At least one of whom shall be from some one of the minor schools of medicine."

Senator Murray offered the following amendment to the amendment:

Amend the amendment by adding: "And one shall be a horse doctor."

Senator Harper raised the point of order on the amendment to the amendment, contending that it was not germane to the measure it sought to amend.

The Chair sustained the point of order.

Senator Terrell of Bowie moved to table the amendment by Senator Alexander.

The roll call developed no quorum voting, the following being the roll call:

Yeas—12.

Adams.	Peeler.
Brachfield.	Perkins.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Watson.
Meachum.	Willacy.

Nays—7.

Alexander.	Kellie.
Cofer.	Murray.
Greer.	Ward.
Hayter.	

Absent.

Bryan.	Real.
Hume.	Stokes.
Masterson.	Veale.
Mayfield.	Weinert.

Absent—Excused.

Paulus.	Terrell of McLennan.
Sturgeon.	

BILLS SIGNED.

The Chair, President Pro Tem. Brachfield, gave notice of signing, and did

sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 1, "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Thirty-first Legislature of the State of Texas."

Senate bill No. 3, "An Act making appropriation to pay per diem pay of members and per diem of officers and employes of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency."

ADJOURNMENT.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to regulate the procedure in the appellate courts of this State, and to provide for the filing of the original statement of facts as a part of the record on appeal and writ of error, in all causes, on appeal or writ of error from all courts, both civil and criminal, with an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said chapter, relating to citations in the sale of land by executors of the estate

of decedents, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the Revised Civil Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter 11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justice of the peace, and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We of this State our Judiciary combinations having for their object the control of the necessities and the arbitrary advance or reduction of prices thereof.

8. The enactment of laws to control

11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justice of the peace, and repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

BRACHFIELD.

I recommend that the bill pass with limitation that it apply only to district courts.

COFER.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Willacy, Kellie, Murray, Cofer.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 5, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experimental Station to be located in the Twenty-seventh Senatorial District, composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to

the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Willacy, Perkins, Kellie, Murray, Cofer, Holsey.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Holsey, Murray, Kellie, Willacy, Cofer.

(Floor Report.)

Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, McCulloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Willacy, Holsey, Kellie, Cofer, Murray.

(Floor Report.)

Austin, Texas, March 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee of Public Health, to whom was referred

Senate bill No. 16, A bill to be entitled "An Act for the protection of stock and stock raising farmers and horticulturists from the danger of wolf bite, and the communication of the dangerous disease

of hydrophobia, and for the destruction of wolves and other wild animals, subject to the disease of hydrophobia, and to provide a means of paying for their destruction, and to make an appropriation for paying for their destruction and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Hayter, Chairman; Kellie, Peeler, Murray, Perkins, Willacy, Hudspeth, Hume, Real.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station to be located in the Twenty-seventh Senatorial District,

composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed
WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in Tom Green and El Paso counties, and making the necessary appropriation therefor,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, McCulloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas,
Friday, March 19, 1909.

Senate met pursuant to adjournment, President Pro Tem. Brachfield presiding.
Roll call, quorum present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.

Kellie.
Mayfield.
Meachum.
Murray.
Peeler.
Perkins.
Real.
Senter.
Stokes.
Terrell of Bowie.

Veale.
Ward.

Watson.
Willacy.

Absent.

Hume.
Masterson.

Weinert.

Absent—Excused.

Paulus.
Sturgeon.

Terrell of McLennan.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell of Bowie, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Bryan from Monday to today, on motion of Senator Terrell of Bowie.

Senator Hume for yesterday afternoon and today, on motion of Senator Peeler.

Senator Veale from last Saturday up to today, on motion of Senator Holsey.

SIMPLE RESOLUTION.

By Senator Watson:

Resolved by the Senate, That the public printer be authorized and instructed to print 8000 copies of the Senate Journal of March 12th, and to attach same to 8000 Journals of March 13 heretofore ordered printed, so as to make same include the entire proceedings of said two days in the one Journal.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, It has recently been the great pleasure of the Senate to be the guest of the people of Fort Worth and the Senate was thus enabled to attend the Cattlemen's Convention and the Fat Stock Show now meeting in said city in a body, and to see the material progress and commercial activity of the great people, who are so rapidly making of Fort Worth such a splendid city, therefore be it

Resolved, That the Senate should and does now thank the mayor of Fort Worth, and through him the magnificent citizenship of Fort Worth for their generosity and warm hospitality upon the

occasion of our said visit. Be it further

Resolved, That the especial thanks of the Senate be tendered Senator Alexander for the care, attention and great courtesies which made our trip such a pleasure. We expected much of him, but received no less than we had expected, and this pleasant visit with him to his district only draws more closely the bond of love binding Senator Alexander to his colleagues.

And let copies of this resolution be printed in the Journal, and be furnished Senator Alexander, Mayor Harris of Fort Worth and the public press.

The resolution was read and unanimously adopted by a rising vote.

BILLS AND RESOLUTIONS.

By Senator Veale:

Senate bill No. 27, A bill to be entitled "An Act providing for the establishment of an experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Twenty-ninth Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs.

By Senators Kellie and Stokes.

Senate bill No. 28, A bill to be entitled "An Act to fix the priority right to water from irrigating canals situated in this State, and the proper distribution of water from same; defining and prohibiting discrimination and extortion by canal companies; giving county commissioners court of each county power and making it their duty to fix rates at which water shall be furnished upon application of any canal company or the majority of the individuals entitled to water from same, and giving to said court the authority, for said purpose, to examine books of said company and to examine its officers and employes under oath, making it their duty to report violations of the irrigation laws to the county attorney, and see that the provisions of this law are carried out; to investigate all complaints and to enforce all laws on irrigation, and providing penalties for violating provisions of this act; fixing the venue of penalty suits, designating who shall bring said suits, the fee he shall receive, the rules of evidence to be observed, disposition of fines recovered; defining the terms 'irrigation canals' and 'canal company' as used herein, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Ward:

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56, of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10, of the Revised Civil Statutes, with respect to the issuing of writs of attachment and garnishment, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

By unanimous consent, after the morning call had been concluded:

By Senator Bryan:

Senate bill No. 31, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twenty-eighth Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Meachum:

Senate bill No. 32, A bill to be entitled "An Act to amend Chapter 4 of Title 28 of the Revised Civil Statutes of the State of Texas by adding thereto Article 1111a, providing that when the time prescribed by law for the ending of a regular or special term of any district court shall occur during the trial of a cause, the term shall be extended for such additional length of time as may be necessary to allow such trial to be concluded, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Meachum:

Senate bill No. 33, A bill to be entitled "An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the

district court to act in vacation, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Meachum:

Senate bill No. 34, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Fifteenth Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs.

By Senators Brachfield, Terrell of Bowie and Alexander:

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Senter:

Senate bill No. 36, A bill to be entitled "An Act to promote the speedy administration of justice in each of the counties of this State which contains a city or cities with a population of not less than twenty-five thousand as shown by the last Federal census, and which county also contains as many as three district courts with civil jurisdiction only, one district court with criminal jurisdiction only, and a county court and a county court at law, and to establish and create in each of such cities so situated and containing a population of not less than twenty-five thousand a State court to be known as the 'county corporation court' of such county, and to prescribe the jurisdiction and organization and powers thereof, and the procedure therein; and providing for the election or appointment of a judge or recorder and for an attorney and clerk for said court, and for assistants and deputies for such attorney and clerk, and prescribing the duties and powers of such officers, and providing for their compensation, and providing for the taking of appeals directly from said court to the Court of Criminal Appeals, and for the procedure on such appeals, and for the making of the records therein, and for the enforcement of the judgments of said county corporation court, and for the care and custody and service of prisoners pending trial or under conviction in said court, or doing punishment under judgment of said court, and providing that

the court herein established and created shall supersede any corporation or municipal court in any city to which the provisions of this act apply, and abolishing the offices created by any other act establishing a corporation or municipal court in any city to which the provisions of this act apply, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 37, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax and prescribing the method of its collections, and declaring an emergency."

Read first time and referred to Committee on Finance.

SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading, and pending business,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

The question on the bill was the following pending amendment:

Amend the bill by inserting after the word "colleges," in line 11, page 3, the following: "At least one of whom shall be from some one of the minor schools of medicine."

The pending question when the Senate adjourned was on the motion by Senator Terrell of Bowie to table the amendment, which motion to table was adopted by the following vote:

Yeas—17.

Adams.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Harper.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Peeler.	

Nays—4.

Alexander.	Greer.
Cofer.	Hayter.

Absent.

Kellie.	Perkins.
Masterson.	Weinert.
Murray.	

Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

Senator Alexander offered the following amendment:

Amend the bill by striking out of Section 1, page 3, all of lines 26, 27, 28, 29 and 30.

ALEXANDER,
HUDSPETH,
TERRELL of Bowie.

Senator Meachum moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—16.

Adams.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Real.
Holsey.	Senter.
Kellie.	Stokes.
Mayfield.	Veale.
Meachum.	Willacy.

Nays—8.

Alexander.	Hudspeth.
Cofer.	Terrell of Bowie.
Greer.	Ward.
Hayter.	Watson.

Absent.

Masterson.	Weinert.
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Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

Senator Hudspeth offered the following amendment:

Amend the bill by adding at the end of line 30, page 3, the following: "In all instances except the Live Stock Sanitary Commission of Texas and in all matters coming before this Commission, their present powers shall not be in any way interfered with."

HUDSPETH,
BRYAN,
MURRAY,
ALEXANDER.

Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by inserting after the words "Live Stock Sanitary Commissioner," "and the Pure Food Commissioner."

Senator Harper offered the following substitute for the amendment and the amendment to the amendment:

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Ward:

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56, of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10, of the Revised Civil Statutes, with respect to the issuing of writs of attachment and garnishment, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

By unanimous consent, after the morning call had been concluded:

By Senator Bryan:

Senate bill No. 31, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twenty-eighth Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Meachum:

Senate bill No. 32, A bill to be entitled "An Act to amend Chapter 4 of Title 28 of the Revised Civil Statutes of the State of Texas by adding thereto Article 1111a, providing that when the time prescribed by law for the ending of a regular or special term of any district court shall occur during the trial of a cause, the term shall be extended for such additional length of time as may be necessary to allow such trial to be concluded, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Meachum:

Senate bill No. 33, A bill to be entitled "An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the

district court to act in vacation, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Meachum:

Senate bill No. 34, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Fifteenth Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs.

By Senators Brachfield, Terrell of Bowie and Alexander:

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Senter:

Senate bill No. 36, A bill to be entitled "An Act to promote the speedy administration of justice in each of the counties of this State which contains a city or cities with a population of not less than twenty-five thousand as shown by the last Federal census, and which county also contains as many as three district courts with civil jurisdiction only, one district court with criminal jurisdiction only, and a county court and a county court at law, and to establish and create in each of such cities so situated and containing a population of not less than twenty-five thousand a State court to be known as the 'county corporation court' of such county, and to prescribe the jurisdiction and organization and powers thereof, and the procedure therein; and providing for the election or appointment of a judge or recorder and for an attorney and clerk for said court, and for assistants and deputies for such attorney and clerk, and prescribing the duties and powers of such officers, and providing for their compensation, and providing for the taking of appeals directly from said court to the Court of Criminal Appeals, and for the procedure on such appeals, and for the making of the records therein, and for the enforcement of the judgments of said county corporation court, and for the care and custody and service of prisoners pending trial or under conviction in said court, or doing punishment under judgment of said court, and providing that

the court herein established and created shall supersede any corporation or municipal court in any city to which the provisions of this act apply, and abolishing the offices created by any other act establishing a corporation or municipal court in any city to which the provisions of this act apply, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 37, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax and prescribing the method of its collections, and declaring an emergency."

Read first time and referred to Committee on Finance.

SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading, and pending business,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

The question on the bill was the following pending amendment:

Amend the bill by inserting after the word "colleges," in line 11, page 3, the following: "At least one of whom shall be from some one of the minor schools of medicine."

The pending question when the Senate adjourned was on the motion by Senator Terrell of Bowie to table the amendment, which motion to table was adopted by the following vote:

Yeas—17.

Adams.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Harper.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Peeler.	

Nays—4.

Alexander.	Greer.
Cofer.	Hayter.

Absent.

Kellie.	Perkins.
Masterson.	Weinert.
Murray.	

Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

Senator Alexander offered the following amendment:

Amend the bill by striking out of Section 1, page 3, all of lines 26, 27, 28, 29 and 30.

ALEXANDER,
HUDSPETH,
TERRELL of Bowie.

Senator Meachum moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—16.

Adams.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Real.
Holsey.	Senter.
Kellie.	Stokes.
Mayfield.	Veale.
Meachum.	Willacy.

Nays—8.

Alexander.	Hudspeth.
Cofer.	Terrell of Bowie.
Greer.	Ward.
Hayter.	Watson.

Absent.

Masterson.	Weinert.
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Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

Senator Hudspeth offered the following amendment:

Amend the bill by adding at the end of line 30, page 3, the following: "In all instances except the Live Stock Sanitary Commission of Texas and in all matters coming before this Commission, their present powers shall not be in any way interfered with."

HUDSPETH,
BRYAN,
MURRAY,
ALEXANDER.

Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by inserting after the words "Live Stock Sanitary Commissioner," "and the Pure Food Commissioner."

Senator Harper offered the following substitute for the amendment and the amendment to the amendment:

Substitute for the amendment by adding after the word "pursued," in line 30, page 3, "in all matters relating to the health of the public of this State."

Senator Terrell of Bowie moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—14.

Adams.	Mayfield.
Alexander.	Peeler.
Bryan.	Perkins.
Greer.	Real.
Hayter.	Terrell of Bowie.
Hudspeth.	Watson.
Kellie.	Willacy.

Nays—10.

Brachfield.	Murray.
Cofer.	Senter.
Harper.	Stokes.
Holsey.	Veale.
Meachum.	Ward.

Absent.

Masterson.	Weinert.
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Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

Action recurred on the amendment to the amendment, and

Senator Meachum moved to table the amendment to the amendment.

Senator Kellie here moved that the Senate adjourn until Monday morning at 10 o'clock, which motion was lost by the following vote:

Yeas—10.

Adams.	Hudspeth.
Alexander.	Kellie.
Brachfield.	Perkins.
Cofer.	Terrell of Bowie.
Holsey.	Willacy.

Nays—12.

Bryan.	Murray.
Greer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Mayfield.	Veale.
Meachum.	Ward.

Absent.

Masterson.	Watson.
Stokes.	Weinert.

Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

Action recurred on the amendment to the amendment, the motion being to table same.

The motion to table was lost by the following vote:

Yeas—8.

Adams.	Meachum.
Brachfield.	Murray.
Cofer.	Real.
Harper.	Senter.

Nays—14.

Alexander.	Mayfield.
Bryan.	Peeler.
Greer.	Perkins.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Willacy.

Absent.

Masterson.	Watson.
Stokes.	Weinert.

Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

ADJOURNMENT.

Senator Murray here moved that the Senate recess until 3 o'clock today, and

Senator Willacy moved that the Senate adjourn until Monday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until Monday morning at 10 o'clock prevailed by the following vote:

Yeas—13.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Willacy.
Kellie.	

Nays—9.

Bryan.	Murray.
Harper.	Senter.
Holsey.	Veale.
Mayfield.	Ward.
Meachum.	

Absent.

Greer.	Watson.
Masterson.	Weinert.

Absent—Excused.

Hume.	Sturgeon.
Paulus.	Terrell of McLennan.

APPENDIX.**COMMITTEE REPORTS.**

(Floor Report.)

Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on State Affairs, to whom was referred

Senate bill No. 23, A bill to be entitled "An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land Office, Governor's Mansion, State University, and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purposes, and with authority to lay mains, pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin and public roads adjacent thereto, and to secure from the owners by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands, to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass and be not printed.

Peeler, Chairman; Alexander, Bryan, Stokes, Perkins, Cofer, Ward.

Committee Room,
Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 1, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

PERKINS, Acting Chairman.

Following is the enrolled bill in full:

An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirty-first Legislature of the State of Texas, con-

vened March 13, 1909, by proclamation of the Governor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the contingent expenses of the First Called Session of the Thirty-first Legislature, convened March 13, 1909, by the proclamation of the Governor, and that the approval of the chairman of the Committee on Contingent Expenses of either house, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account so drawn against said fund.

Sec. 2. That the public importance of the object herein contemplated creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 3, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

PERKINS, Acting Chairman.

Following is the enrolled bill in full:

An Act making appropriation to pay the per diem pay of members and per diem pay of officers and employees of the First Called Session of the Thirty-first Legislature of the State of Texas, convened March 13, 1909, by proclamation of the Governor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of thirty-three thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of per diem pay of members and per diem pay of

officers and employes of the First Called Session of the Thirty-first Legislature.

Sec. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue the warrants upon the Treasurer for the respective amounts.

Sec. 3. Whereas, The First Called Session of the Thirty-first Legislature is now in session, and public policy requires their payment, therefore an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
Monday, March 22, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofe.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Adams.	Sturgeon.
Meachum.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

EXCUSED.

On account of important business:
Senator Masterson for last Wednesday,

Thursday and Friday, on motion of Senator Alexander.

On account of sickness:

Senator Weinert for all of last week, on motion of Senator Murray.

INVITATION TO VISIT UVALDE.

By Senator Hudspeth:

March 19, 1909.

To Hon. A. B. Davidson, Lieutenant Governor, and the Senators of the Great State of Texas—Greetings.

Gentlemen: Thursday, March 25, A. D. 1909, having been set apart by the citizens of the city of Uvalde as a holiday and day of celebration, proclamations having been issued by the honorable mayor, Business Men's Club and Uvalde Boosters Club to make that a general celebration day. We, on behalf of the citizens of Uvalde and Uvalde county, beg to extend to you a most cordial invitation to be present and celebrate with us on that date and enjoy our hospitality.

A special excursion train will be run from San Antonio, leaving there at 8 a. m. Thursday, the 25th, and returning that afternoon so that you need not be away from Austin but one day.

Hoping that you will accept our invitation and honor us with your presence and assist us in making this the greatest day in the history of the city of Uvalde, we beg to remain,

Very respectfully yours,

MAT BURNLEY,

Mayor.

J. H. SHOPE,

President Business Men's Club.

M. M. McFARLAND,

President Uvalde Boosters Club.

On motion of Senator Hudspeth, the above invitation was accepted.

BILLS AND RESOLUTIONS.

By Senator Alexander:

Senate bill No. 38, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Thirtieth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Greer:

Senate bill No. 39, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Thirty-second Representative District, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Harper:

Senate bill No. 40, A bill to be entitled "An Act to authorize and empower any party to any cause, or his attorney of record, to print or typewrite or cause to be printed or typewritten the transcript of the record in any cause on appeal or writ of error, and requiring the clerk of the trial court to proof-read and certify to the same, and providing for his compensation for the same."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Real and Alexander:

Senate bill No. 41, A bill to be entitled "An Act creating the office of State Fire Marshal, and defining his powers and duties, and providing for the investigation of fires for the purpose of ascertaining the cause thereof, and prescribing the duties of certain officers in connection with such investigation, and of school teachers respecting fire protection, and amending Section 8 of Chapter 18 of the General Laws of the First Called Session of the Thirtieth Legislature so as to increase the rate of taxes on fire insurance companies, and provide an additional tax sufficient to defray the expenses incurred by the maintenance of the office of State Fire Marshal and the performance of his duties as herein defined; providing penalties for violations of certain provisions of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Senter:

Senate bill No. 42, A bill to be entitled "An Act to regulate the practice and procedure in the trial of civil causes in the district and county courts, and the filing of such causes, and the issuance and service of citation, the entry of appearance, the filing of answers, the calls for juries, the granting of continuances, the filing service and hearing of motions and demurrers, taking of testimony, the giving of instructions to juries, the form of the verdict, the conduct of the jury.

the filing and hearing of motions for new trials, the impeachment of verdicts by jurors and hearings thereon, the effect to be given to errors in procedure, the filing of statements of facts and bills of exception, the allowance and the effect of appeals upon the orders and decrees of the court and the making up of the transcript in such causes, and the entry of orders and trial of causes by the judges of the district courts in vacation, and the entry and enforcement of rules for costs and repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 43, A bill to be entitled "An Act to regulate the pleadings in civil suits in the district and county courts, and declaring the effect thereof, and regulating the time and manner of filing the same and amendments thereof, and the time and manner of notices to adverse parties, and the hearings thereon, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 44, A bill to be entitled "An Act to regulate the practice and procedure in the hearing of causes on appeal to the Courts of Civil Appeals and the Supreme Court, and to prescribe and fix limitations upon writs of error from the Supreme Court, and providing for the certification of questions by judges of the Courts of Civil Appeals to the Supreme Court, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Peeler, Paulus and Bryan:

Senate bill No. 45, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice and to insure the better education of practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

Morning call concluded.

(By unanimous consent, after the morning call had been concluded, and referred by President Pro Tem. Brachfield.)

By Senators Perkins and Alexander:

Senate bill No. 46, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by law in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions arising hereunder."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Senter:

Senate bill No. 47, A bill to be entitled "An Act to regulate and fix the terms of each judicial district in the State which contains no more than one county, and the practice and procedure in such courts, and providing for default judgments therein, and regulating the times for trials therein, and applications for postponements thereof, and the appointment of jury commissioners, and the selection and service of jurors therein, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

SIMPLE RESOLUTION.

By Senator Brachfield:

Whereas, The Hon. W. J. Bryan has informed the Governor of this State his willingness to accept a former invitation to address the Legislature on April 6, 1909; therefore, be it

Resolved, That a committee of five be appointed by the President of the Senate to act with a like committee from the House to make arrangements for a joint meeting of both houses for the purpose of attending upon this occasion.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the following special committee:

Senators Brachfield, Hume, Willacy, Stokes and Peeler.

By Senator Holsey:

Whereas, Senate bill No. 8 is a very important measure and should be adopted to meet the conditions in all parts of this State; and

Whereas, This body has discussed that measure for more than a day and has not reached beyond Section 1; therefore, be it

Resolved, That Senate bill No. 8 be referred to a committee of five to be appointed by the President of the Senate to revise and report said bill back to the Senate by Wednesday morning at 10 o'clock.

The resolution was read and lost.

SENATE BILL NO. 36.

Pending business being Senate bill No. 8, the Chair so stated, and

On motion of Senator Senter, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 36, by the following vote:

Yeas—23.

Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Murray.

Peeler.
Perkins.
Real.
Senter.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Watson.
Weinert.
Willacy.

Absent.

Adams.
Hayter.
Mayfield.
Meachum.

Paulus.
Sturgeon.
Ward.

Absent—Excused.

Harper.

The Chair laid before the Senate, on second reading,

Senate bill No. 36, A bill to be entitled "An Act to promote the speedy administration of justice in each of the counties of this State which contains a city or cities with a population of not less than 25,000 as shown by the last Federal census, and which county also contains as many as three district courts with civil jurisdiction only, one district court with criminal jurisdiction only, and a county court and a county court at law, and to establish and create in each of such cities so situated and containing a population of not less than 25,000, a State court to be known as the 'county corporation court' of such county, and to prescribe the jurisdic-

tion and organization and powers thereof, and the procedure therein; and providing for the election or appointment of a judge or recorder and for an attorney and clerk for said court, and for assistants and deputies for such attorney and clerk, and prescribing the duties and powers of such officers, and providing for their compensation, and providing for the taking of appeals directly from said court to the Court of Criminal Appeals, and for the procedure on such appeals, and for the making of the records therein, and for the enforcement of the judgments of said county corporation court, and for the care and custody and service of prisoners pending trial or under conviction in said court, or doing punishment under judgment of said court, and providing that the court herein established and created shall supersede any corporation or municipal court in any city to which the provisions of this act apply, and abolishing the offices created by any other act; establishing a corporation or municipal court in any city to which the provisions of this act apply, and declaring an emergency."

On motion of Senator Senter, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—23.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Murray.	

Absent.

Adams.	Paulus.
Hayter.	Sturgeon.
Mayfield.	Ward.
Meachum.	

Bill read second time, and ordered engrossed.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Meachum.
Hayter.	Sturgeon.
Mayfield.	Ward.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Murray.	

Absent.

Adams.	Paulus.
Hayter.	Sturgeon.
Mayfield.	Ward.
Meachum.	

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading as pending business,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

The question on the bill was the following pending amendment and amendment to the amendment:

Amend the bill by adding at the end of line 30, page 3, the following: "In all instances except the Live Stock Sanitary Commission of Texas, and in all

matters coming before this Commission, their present powers shall not be in any way interfered with."

Amend the amendment by inserting after the words "Live Stock Sanitary Commissioner," "and the Pure Food Commissioner."

Senator Murray offered the following substitute for the amendment and the amendment to the amendment:

Amend the bill, line 30, page 3, by adding the following, after the word "pursued."

"In all matters affecting the duties of the Live Stock Sanitary Commission and the Pure Food Commissioner, the decision of such officers shall be supreme, and their present powers and duties shall not be in any manner interfered with, except that in matters affecting the health of the human race, the rules and regulations of the Board of Health shall be enforced by such officers."

Senator Terrell of Bowie made the point of order on the substitute that it was not germane to the bill as to the part attempted to be amended by the amendment and the amendment to the amendment.

The Chair overruled the point of order.

(Senator Peeler in the chair.)

Senator Terrell of Bowie moved to table the substitute, which motion to table was lost by the following vote:

Yeas—8.

Alexander.	Terrell of Bowie.
Bryan.	Terrell of McLennan.
Hayter.	Veale.
Hudspeth.	Willacy.

Nays—18.

Brachfield.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Holsey.	Senter.
Hume.	Stokes.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Adams.	Paulus.
Meachum.	Sturgeon.

The substitute was then adopted.

The amendment, as substituted, was then adopted.

There being no other amendments to Section 1 of the bill, Section 2 was then considered.

Senator Holsey offered the following amendment:

Amend the bill, Section 2, page 4, line 3, by striking out "\$3600" and inserting in lieu thereof "\$2500."

HOLSEY,
WARD,
PERKINS,
COFER,
MURRAY,
GREER.

Senator Hayter offered the following amendment to the amendment:

Amend the amendment by substituting "\$3000" for "\$2500."

Senator Watson offered the following substitute for both the above amendments:

Amend Section 2 by striking out "\$3600" and insert in lieu thereof "\$6000."

The substitute was read, and lost by the following vote:

Yeas—2.

Hudspeth.

Watson.

Nays—24.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Adams.	Paulus.
Meachum.	Sturgeon.

Action recurred on the amendment to the amendment, which was adopted by the following vote:

Yeas—17.

Alexander.	Real.
Bryan.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Peeler.	

Nays—9.

Brachfield.	Greer.
Cofer.	Holsey.

Mayfield. Stokes.
Murray. Ward.
Perkins.

Absent.

Adams. Paulus.
Meachum. Sturgeon.

Action then recurred on the amendment, as amended, and

Senator Terrell of Bowie moved to table same, which motion to table was lost by the following vote:

Yeas—9.

Alexander. Kellie.
Bryan. Terrell of Bowie.
Harper. Terrell of McLennan.
Holsey. Watson.
Hudspeth.

Nays—17.

Brachfield. Perkins.
Cofer. Real.
Greer. Senter.
Hayter. Stokes.
Hume. Veale.
Masterson. Ward.
Mayfield. Weinert.
Murray. Willacy.
Peeler.

Absent.

Adams. Paulus.
Meachum. Sturgeon.

The amendment, as amended, was then adopted.

Senator Ward offered the following amendment:

Amend the bill by striking out the dollar mark and figures "\$10," in line 7, page 4, and insert "\$5."

WARD,
GREER,
COFER,
HOLSEY.

The amendment was read and lost.

There being no other amendments to Section 2 and none for Section 3, these sections were passed and Section 4 was taken up.

Senator Willacy offered the following amendment, which was read and adopted.

Amend by striking out all of Section 4 and insert the following: "Section 4. The President of the board shall appoint with the approval of the Governor, such officers and assistants as may be authorized and provided for at each biennial session of the Legislature."

Here the Senate was at ease for ten minutes, on motion of Senator Hudspeth.

After the Senate was again called to order, there was no other amendments

to Section 4, and Section 5 was taken up. (Lieutenant Governor Davidson in the chair.)

Senator Cofer offered the following amendment:

Line 2, page 6, add at end of Section 5, after the word "companies," the words "while engaged in performance of their duties."

Senator Terrell of Bowie offered the following substitute for the amendment:

Amend the bill by striking out Section 5.

(President Pro Tem. Brachfield in the chair.)

Senator Senter moved to table the substitute, which motion to table was adopted.

Senator Watson offered the following amendment to the amendments:

Amend the amendment by adding after the word "duties," the following: "And also all elective peace officers in the State of Texas."

WATSON,
PERKINS.

Senator Harper raised the point of order that the amendment to the amendment was not germane to the bill.

The Chair (Senator Brachfield) sustained the point of order.

Senator Terrell of Bowie offered the following substitute for the amendment:

Amend the bill by striking out line 32, page 5, and insert in lieu thereof the following: "All officers and inspectors of said Board of Health may."

Pending.

SENATE BILL NO. 27.

On motion of Senator Veale, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 27 by the following vote:

Yeas—26.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Adams. Paulus.
Meachum. Sturgeon.

On motion of Senator Veale, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—26.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Adams. Paulus.
Meachum. Sturgeon.

The Chair laid before the Senate, on second reading,

Senate bill No. 27, A bill to be entitled "An Act providing for the establishment of an experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Twenty-ninth Senatorial District."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of McLennan
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Adams. Sturgeon.
Masterson. Terrell of Bowie.
Meachum.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Adams. Meachum.
Masterson. Sturgeon.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 31.

On motion of Senator Bryan, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 31, by the following vote:

Yeas—25.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Paulus.	

Absent.

Adams. Murray.
Masterson. Sturgeon.
Meachum.

On motion of Senator Bryan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill

(see Appendix for committee report), by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.

Absent.

Adams.	Meachum.
Greer.	Murray.
Masterson.	Sturgeon.

The Chair laid before the Senate, on second reading,

Senate bill No. 31, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twenty-eighth Senatorial District."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.

Absent.

Adams.	Meachum.
Greer.	Murray.
Masterson.	Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.

Absent.

Adams.	Meachum.
Greer.	Murray.
Masterson.	Sturgeon.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 38.

On motion of Senator Alexander, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 38 by the following vote:

Yeas—23.

Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—1.

Brachfield.

Absent.

Adams.	Meachum.
Greer.	Murray.
Masterson.	Sturgeon.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—22.

Alexander.	Cofer.
Bryan.	Hayter.

Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.

Nays—2.

Brachfield.	Harper.
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Absent.

Adams.	Meachum.
Greer.	Murray.
Masterson.	Sturgeon.

On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—21.

Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—2.

Brachfield.	Harper.
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Absent.

Adams.	Murray.
Greer.	Sturgeon.
Masterson.	Terrell of McLennan.
Meachum.	

The Chair laid before the Senate, on second reading,

Senate bill No. 38 (see "Bills and Resolutions" for caption of).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Adams.	Murray.
Greer.	Sturgeon.
Masterson.	Terrell of McLennan.
Meachum.	

The bill was read third time, and passed by the following vote:

Yeas—20.

Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Adams.	Murray.
Greer.	Sturgeon.
Masterson.	Terrell of McLennan.
Meachum.	

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 1:15 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

(Floor Report.)

Austin, Texas, March 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 39, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Thirty-second Representative District, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Mayfield, Chairman; Cofer, Paulus, Kellie, Willacy, Holsey, Perkins.

(Floor Report.)

Austin, Texas, March 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 38, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Thirtieth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Cofer, Paulus, Kellie, Murray, Perkins, Willacy.

(Floor Report.)

Austin, Texas, March 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 31, A bill to be entitled "An Act providing for the establishment of an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twenty-eighth Senatorial District,"

Have had the same under consideration, and beg leave to report it back

to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Willacy, Perkins, Cofer, Murray, Kellie.

(Floor Report.)

Austin, Texas, March 22, 1903.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 34, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Fifteenth Senatorial District,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Cofer, Murray, Kellie, Willacy.

(Floor Report.)

Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 27, A bill to be entitled "An Act providing for the establishment of an experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twenty-ninth Senatorial District,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Cofer, Kellie, Murray, Perkins, Willacy.

Committee Room,

Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 38, A bill to be entitled "An Act to promote the speedy administration of justice in each of the counties of this State which contains a city or cities with a population of not less than 25,000 as shown by the last Federal census, and which county also contains as many as three district courts with civil jurisdiction only, one district court with criminal jurisdiction only, and a

county court and a county court at law, and to establish and create in each of such cities so situated and containing a population of not less than 25,000 a State court to be known as the County Corporation Court of such county, and to prescribe the jurisdiction and organization and power thereof, and the procedure therein, and providing for the election or appointment of a judge or recorder and for an attorney and clerk for said court, and for assistants and deputies for such attorney and clerk, and prescribing the duties and powers of such officers, and providing for their compensation, and providing for the taking of appeals directly from said court to the Court of Criminal Appeals, and for the procedure on such appeals, and for the making of the records therein, and for the enforcement of the judgments of said county corporation court, and for the care and custody and service of prisoners pending trial or under conviction in said court or doing punishment under judgment of said court, and providing that the court herein established and created shall supersede any corporation or municipal court in any city to which the provisions of this act apply, and abolishing the offices created by any other act establishing a corporation or municipal court in any city to which the provisions of this act apply, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 32, A bill to be entitled "An Act to amend Chapter 4 of Title 28 of the Revised Civil Statutes of the State of Texas by adding thereto Article 1111a, providing that when the time prescribed by law for the ending of a regular or special term of any district court shall occur during the trial of a cause, the term shall be extended for such additional length of time as may be necessary to allow such trial to be concluded, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act to amend Article 2256, Title 39, Chapter 31 of the Revised Civil Statutes of 1895, relating to appeals to the district court in probate cases, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 33, A bill to be entitled "An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the district court to act in vacation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled

"An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith"; providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 21, A bill to be entitled "An Act to amend Articles 2534 and 2535, Title 49 of the Revised Civil Statutes of 1896, relating to appeals in case of forcible entry and detainer, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to was referred

Senate bill No. 37, A bill to be entitled

"An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax, and prescribing the method of its collection, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to was referred

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

(Minority Report.)

Austin, Texas, March 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Finance Committee, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by adding at the end of Section 1 the following:

"Provided none of said money shall ever be paid out or expended for the

purpose of instituting or maintaining any suit by the State for such lands that are held and owned by an actual settler and an actual settler, for the purpose of this act only is defined to be any person who claims such lands under a claim of title from the State down beginning with the issuance of a patent by the General Land Office; and none of such money shall be expended in securing evidence for the purpose of developing such suits."

TERRELL of Bowie.

Committee Room,
Austin, Texas, March 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 36, A bill to be entitled "An Act to promote the speedy administration of justice in each of the counties of this State which contains a city or cities with a population of not less than 25,000, as shown by the last Federal census, and which county also contains as many as three district courts with civil jurisdiction only, one district court with criminal jurisdiction only, and a county court and a county court at law, and to establish and create in each of such cities so situated and containing a population of not less than 25,000 a State court to be known as the 'County Corporation Court' of such county, and to prescribe the jurisdiction and organization and powers thereof, and the procedure therein, and providing for the election or appointment of a judge or recorder and for an attorney and clerk for said court, and for assistants and deputies for such attorney and clerk, and prescribing the duties and powers of such officers, and providing for their compensation, and providing for the taking of appeals directly from said court to the Court of Criminal Appeals, and for the procedure on such appeals, and for the making of the records therein and for the enforcement of the judgments of said County Corporation Court, and for the care and custody and service of prisoners pending trial or under conviction in said court, or doing punishment under judgment of said court, and providing that the court herein established and created shall supersede any corporation or municipal court in any city to which the provisions of this act apply, and abolishing the offices created by any other act establishing a corpora-

tion or municipal court in any city to which the provisions of this act apply, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Alexander:

Petitions of Tarrant county, protesting against the power conferred by Section 11 of Board of Health bill.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, March 23, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Meachum.

Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Adams for yesterday, on motion of Senator Watson.

RESIGNATION OF STENOGRAPHER.

To Hon. A. B. Davidson, President of the Senate.

Sir: I respectfully tender my resignation as stenographer of the Senate to take effect immediately, and in doing

so I crave the honor of thanking you and the members and officers of the Senate for the many courtesies shown me, and shall mark my association with the Senate of the Thirty-first Legislature as among the most pleasant days to me in the calendar of time.

Most sincerely,
MARGARET D. CLAIBORNE.

On motion of Senator Peeler, the resignation was accepted.
(Senator Perkins in the chair.)

BILLS AND RESOLUTIONS.

By Senators Hume and Masterson:

Senate bill No. 48, A bill to be entitled "An Act amending that part of Title 31 of the Revised Statutes of the State of Texas which provides for the establishment of a criminal district court for the criminal district composed of the counties of Galveston and Harris, by adding thereto Chapter 3a, providing for a district attorney for said criminal district, and prescribing the duties, powers and compensation of the district attorney for said criminal district, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senators Hume and Masterson:

Senate bill No. 49, A bill to be entitled "An Act amending Chapter 4 of Title 31 of the Revised Statutes of the State of Texas relating to the establishment of a criminal district court for the criminal district composed of Galveston and Harris counties, by providing for the appointment, duties, qualification and compensation of assistant district attorneys for said criminal districts, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senators Hume and Masterson:

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties."

Read first time, and referred to Committee on Judicial Districts.

By Senator Terrell of Bowie:

Senate bill No. 51, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the First Senatorial District of Texas, and mak-

ing an appropriation of \$5000 therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Paulus:

Senate bill No. 52, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Eighteenth Senatorial District, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Terrell of McLennan:

Senate bill No. 53, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural Experiment station in the Eleventh Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Sturgeon:

Senate bill No. 54, A bill to be entitled "An Act providing for the establishment of an agricultural experiment Station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Third Senatorial District, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Weinert:

Senate bill No. 55, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Twenty-first Senatorial District, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Senter:

Senate bill No. 56, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."

Read first time, and referred to Committee on Insurance, Statistics and History.

(By unanimous consent, after the morning call had been concluded, with Lieutenant Governor Davidson presiding.)

By Senator Terrell of McLennan:

Senate bill No. 57, A bill to be entitled "An Act to amend Sections 1 and 13 of Chapter 139 of the Acts of the Thirtieth Legislature, on page 269 of the Acts thereof, approved April 18, 1907, relating to the manner of selecting jurors in all counties in Texas having a city or cities therein which contain a population aggregating 20,000 or more people, and to declare an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harper:

Senate bill No. 58, A bill to be entitled "An Act to authorize the preparation of a bill of exceptions in term time, or within thirty days after the term expires, in all civil causes tried in the district and county courts, embracing the whole record, and authorizing the omission of immaterial parts of the proceedings therefrom, and making such bill of exceptions the record on appeal or writ of error, and authorizing the original to be filed and used on appeal or writ of error, and obviating the filing of assignments of error in the trial courts in such cases."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Perkins:

Senate bill No. 59, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Fifth Senatorial District of Texas, and making an appropriation of \$10,000 therefor, and declaring an emergency."

Read first time, and referred by Senator Holsey to Committee on Agricultural Affairs.

By Senator Cofer:

Senate bill No. 60, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural station in the Fourth Senatorial District of Texas, and making an appropriation of \$2500 therefor, and declaring an emergency."

Read first time, and referred by Senator Holsey to Committee on Agricultural Affairs.

(Lieutenant Governor Davidson in the chair.)

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, Hon. W. A. Ledbetter, one of the leading citizens of Oklahoma and a leading member of the Constitutional Convention of that State, is in the Capitol; and

Whereas, Mr. Ledbetter was at one time an employe of the Senate and his picture adorns the walls of the Chamber in the block of the Eighteenth Senate; therefore be it

Resolved, That by unanimous consent the privilege of the floor be accorded Mr. Ledbetter during his stay in the Capitol and that he be invited to a seat at the President's desk and to address the Senate.

COFER,
PAULUS.

The resolution was read and adopted.

In accordance with the above resolution, the Hon. Mr. Ledbetter was escorted to the President's stand and addressed the Senate.

Morning call concluded.

SENATE BILL NO. 39.

Senate bill No. 8 being pending business, the Chair so stated, and

On motion of Senator Greer, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 39, by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—2.

Brachfield.

Harper.

Absent.

Mayfield.
Meachum.

Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 39, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Thirty-second Representative District, and making the necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—2.

Brachfield. Harper.

Absent.

Hume.	Meachum.
Mayfield.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Perkins.
Alexander.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—3.

Brachfield. Holsey.

Harper.

Absent.

Hume.	Meachum.
Mayfield.	Stokes.

Senator Greer moved to reconsider the

vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Willacy:

Resolved, That the Senator from Jasper be hereby designated an experimental station, to be located in his senatorial district except at such time as he may contribute his valuable services to the State while at Austin.

Senator Holsey moved that the resolution be referred to Committee on Agricultural Affairs.

The motion was lost.

The resolution was then adopted.

SENATE BILL NO. 8.

The Chair laid before the Senate, as pending business,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

The question on the bill was the pending amendment and substitute therefor (see Journal of yesterday for amendments).

(President Pro Tem. Brachfield in the chair.)

On motion of Senator Hudspeth, the substitute was tabled.

The amendment by Senator Cofer was then adopted.

Senator Murray offered the following amendment, which was read and adopted.

Amend Section 5, page 6, by adding at end of Section the following: "Provided, no mileage shall be collected from the State where free transportation is furnished."

There being no other amendments to Section 5, and none for Sections 6, 7 and 8, Section 9 was taken up, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out all of Section 9 and renumber sections to conform to all amendments.

Senator Hayter offered the following amendment to Section 10, which was read and adopted:

Amend by striking out after the word "health," in line 27, page 6, the following: "Life, limbs, safety, comfort and happiness."

HAYTER,
TERRELL of Bowie,
ALEXANDER.

Senator Terrell of Bowie offered the following amendment:

Amend the bill by striking out all of Section 11, and renumbering the other sections to correspond.

The amendment was laid on the table, subject to call.

Senator Senter offered the following amendment:

Amend the bill, Section 11, page 8, by adding a new subdivision to be designated as subdivision "h," and relettering the succeeding subdivision in accordance herewith, said subdivision "h" to read as follows:

"h. Rules and regulations to govern and control the conduct and operation of markets, peddlers' wagons, and all other places and methods of exposure for sale of meats, fish, poultry, game, fruits, vegetables and all perishable articles of food exposed for sale, and to regulate the time and method of such exposure, and to prescribe and limit methods for the preservation of such articles of food, and to prohibit the doing of any act or the use of any method with respect thereto, which said board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department. Any person violating any of such rules and regulations, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5.00 and not more than \$200."

(Senator Holsey in the chair.)

The amendment by Senator Senter was adopted.

Senator Cofer offered the following amendment:

Amend Section 11, page 7, by inserting in line 6, page 7, after the word "prepare" the words "and recommend for adoption to the Legislature and to become laws only when adopted by the Legislature."

COFER,
MURRAY.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, March 22, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

George W. Littlefield of Travis coun-

ty, Richard Mayes of Navarro county, and Mrs. J. C. Terrell of Tarrant county to be members of the Texas Library and Historical Commission.

T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Peeler moved that the Senate go into executive session tomorrow morning at 11 o'clock for the purpose of considering the above appointments.

The motion prevailed.

RECESS.

On motion of Senator Peeler, the Senate, at 12:35 o'clock p. m., recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 8.

Action recurred on Senate bill No. 8, the question being on the amendment by Senator Cofer (see morning proceedings for amendment).

(Senator Terrell of Bowie in the chair.)

Pending discussion on the amendment, and when the vote was taken the yeas and nays were called for and the roll call showed no quorum voting, the following being the vote:

Yeas—10.

Cofer.	Paulus.
Greer.	Real.
Hume.	Sturgeon.
Masterson.	Terrell of Bowie.
Murray.	Weinert.

Nays—10.

Adams.	Hudspeth.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Hayter.	Willacy.

Absent.

Harper.	Stokes.
Holsey.	Terrell of McLennan.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 3:30 o'clock, adjourned until 10 o'clock tomorrow.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 53, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Eleventh Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Perkins, Murray, Cofer, Sturgeon, Kellie, Willacy.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 54, A bill to be entitled "An Act providing for the establishment of an experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Third Senatorial District, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Perkins, Murray, Cofer, Sturgeon, Kellie, Willacy.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 52, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Eighteenth Senatorial District, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Perkins, Murray, Cofer, Sturgeon, Kellie, Willacy.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 45, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice and to insure the better education of practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas; to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Hudspeth, Watson, Alexander, Sturgeon, Greer, Stokes, Murray.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 55, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Twenty-first Senatorial District, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Perkins, Murray, Cofer, Sturgeon, Kellie, Willacy.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 51, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the First Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Willacy, Perkins, Cofer, Murray, Holsey.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Judicial Districts, to whom was referred

Senate bill No. 48, A bill to be entitled "An Act amending that part of Title 31 of the Revised Statutes of the State of Texas, which provides for the establishment of a criminal district court for the criminal district composed of the counties of Galveston and Harris, by adding thereto Chapter 3a, providing for a district attorney for said criminal district, and prescribing the duties, powers and compensation of the district attorney for said criminal district, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Masterson, Hume, Sturgeon, Paulus, Ward, Willacy, Terrell of Bowie, Peeler.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Judicial Districts, to whom was referred

Senate bill No. 49, A bill to be entitled "An Act amending Chapter 4 of Title 31 of the Revised Statutes of the State of Texas, relating to the establishment of a criminal district court for the crim-

inal district composed of Galveston and Harris counties, by providing for the appointment, duties, qualification and compensation of assistant district attorneys for said criminal districts, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Masterson, Hume, Sturgeon, Paulus, Ward, Willacy, Peeler, Terrell of Bowie.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Judicial Districts, to whom was referred

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Masterson, Hume, Sturgeon, Paulus, Ward, Willacy, Peeler, Terrell of Bowie.

Committee Room,

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 38, A bill to be entitled "An Act providing for the establishment of an experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Thirtieth Senatorial District,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 31, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and

forestry, said station to be located in the Twenty-eighth Senatorial District."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 27, A bill to be entitled "An Act providing for the establishment of an experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Twenty-ninth Senatorial District."

And find the same correctly engrossed.
WARD, Chairman.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 24, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Hume.
Senter. Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:
Senator Meachum for Monday and

yesterday, on motion of Senator Masterson.

Senator Stokes for yesterday and today, on motion of Senator Peeler.

BILLS AND RESOLUTIONS.

By Senator Murray:

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publications of citations as authorized under Article 1236 of the Revised Civil Statutes of the State of Texas of 1895, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

By unanimous consent, after the morning call had been concluded:

By Senators Veale, Harper, Brachfield, Murray and Bryan:

Senate bill No. 62, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experimental stations in certain parts of Texas; to provide for proper appropriation therefor, and repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Harper:

Senate bill No. 63, A bill to be entitled "An Act to amend an act to prescribe the time within which statements of fact, bills of exception may be filed in causes tried in the district and county courts of Texas, and to authorize judges whose terms of office have expired to approve statements of facts and bills of exception, and providing that judges also have ten days after adjournment of the term of court at which said cause may be tried to file findings of facts and conclusions of law, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Judiciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 64, A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State: providing appropriation to carry this law into effect, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Public Health.

By Senator Alexander:

Senate bill No. 65, A bill to be entitled "An Act to amend Article 3388, Title 69, Revised Civil Statutes of the State of Texas, 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Judiciary Committee No. 1.

By Senator Adams:

Senate bill No. 66, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Judicial Districts.

By Senators Holsey, Cofer, Terrell of McLennan, Terrell of Bowie, Senter, Sturgeon, Hudspeth, Veale, Alexander, Willacy, Perkins, Real, Hayter, Greer, Peeler, Adams, Paulus, Murray, Bryan, Ward, Kellie:

Senate bill No. 67, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Second Senatorial District."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Agricultural Affairs.

By Senator Peeler:

Senate bill No. 68, A bill to be entitled "An Act for the establishment of an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twentieth Senatorial District, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Agricultural Affairs.

By Senator Masterson:

Senate bill No. 69, A bill to be entitled

"An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Public Health.

By Senator Real:

Senate bill No. 70, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station to be located in the Twenty-fourth Senatorial District, composed of Bexar, Kendall, Kerr, Bandera and Gillespie counties, and making the necessary appropriations therefor, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Agricultural Affairs.

By Senator Masterson:

Senate bill No. 71, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural experiment station in the Seventeenth Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Agricultural Affairs.

By Senator Weinert:

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

SENATE BILL NO. 59.

Senate bill No. 8 being the pending business, the Chair so stated, and

On motion of Senator Perkins, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 59, by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Hayter.	Perkins.
Hudspeth.	Real.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.

Terrell of McLennan. Watson.
 Veale. Weinert.
 Ward. Willacy.

Nays—3.

Brachfield. Holsey.
 Harper.

Absent.

Hume. Senter.

Absent—Excused.

Stokes.

On motion of Senator Perkins, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—3.

Brachfield. Holsey.
 Harper.

Absent.

Hume. Senter.

Absent—Excused.

Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 59, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Fifth Senatorial District of Texas, and making an appropriation of \$10,000 therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and Senator Holsey offered the following amendment, which was read and adopted:

Amend the bill by striking out "\$10,-

000" wherever it occurs and insert in lieu thereof "\$5000."

HOLSEY,
 GREER,
 WILLACY,
 TERRELL of McLennan,
 ALEXANDER.

Bill read second time, and ordered engrossed.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—3.

Brachfield. Holsey.
 Harper.

Absent.

Hume. Senter.

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield. Holsey.
 Harper.

Absent.

Hume. Senter.

Absent—Excused.

Watson. Stokes.

Senator Perkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, March 22, 1909.

To the Legislature:

House bill No. 89, passed at the Regular Session of the Thirty-first Legislature, being a bill amending a law known as the Robertson insurance law, must be acted upon by the Governor within twenty days after the adjournment of the Regular Session, that is to say, not later than April 3. Section 5 of this bill fixes the occupation tax to be hereafter imposed upon life insurance companies not organized under the laws of this State and transacting business in Texas at the existing rate of 3 per cent of the gross premium receipts, subject to the following provision:

"Provided, that when the report of the investments in Texas securities of any company, as on December 31 of any year, shall show that such company has invested on said date as much as 30 per cent of its total Texas reserve in Texas securities, the rate of said occupation tax shall be reduced to 2 1-2 per cent, and when such report shall show that such company has invested on said date as much as 60 per cent of its total Texas reserves in Texas securities, the rate of such occupation tax shall be reduced to 2 per cent and when the report of such company shall show that as much as 75 per cent of the total Texas reserves of such company was invested on the said date in Texas securities, the rate of such occupation tax shall be reduced to 1 1-2 per cent; provided, the investment in Texas securities of 75 per cent of the Texas reserves provided by this act shall in any event be required of all such companies."

It is clear that inasmuch as the provisions of this act require the investment of at least 75 per cent of the Texas reserves in Texas securities, unconditionally, that the effect of said section is to finally reduce the premium gross receipts occupation tax from 3 per cent to 1 1-2 per cent of the gross premium receipts.

The Robertson insurance law, which

is the present law, increased the tax from 2 1-4 to 3 per cent, and the Thirtieth Legislature also repealed the law which had been in force for many years, imposing an annual occupation tax of \$5.00 for State purposes, \$2.50 for county purposes and \$2.50 for city and town purposes upon local agents of life insurance companies. The amounts from this source theretofore aggregating approximately more than \$30,000 per annum. Under the present law, which is repealed by House bill No. 89, an occupation tax of \$50 for State purposes, \$25 for county purposes and \$25 for city and town purposes is levied upon the general agents of life insurance companies. The bill before me provides that ultimately the sole tax collected from foreign life insurance companies in this State shall be an occupation tax of 1 1-2 per cent of the gross premium receipts, all fees and all other occupation taxes upon companies or agents being eliminated. In other words, the bill provides for a tax of 1 1-2 per cent of the gross premium receipts in lieu of both the present rate of 3 per cent and gross receipts tax, the tax of \$100 for all purposes upon general agents of life insurance companies.

If this bill should become a law it would result in reducing the tax imposed upon life insurance companies doing business in this State, not organized under the laws of Texas, at least \$125,000 per annum; provided, the business transacted by such companies equals the business done by them in Texas during the year 1906, and it is but reasonable to assume that such business transactions would increase in proportion to the increase in population and volume of business generally. Reliable data before me shows that Texas is practically the only State in which no taxes are collected upon such life insurance business, other than the State occupation tax upon gross premium receipts, and that the average of the gross receipts in all the States, notwithstanding all the other States impose additional taxes, is 17-10 per cent. I believe it clear that justice to the property taxpayers of the State would require that the minimum gross premium receipts tax rate, if all other taxes and fees are to be eliminated, both as to companies and their agents, should in no event be less than 2 per cent, and in view of the fact that House bill No. 89, above referred to, requires the investment in due time of 75 per cent of the Texas reserves in Texas securities, that there is no sound reason

for offering a tax reduction to secure compliance with the law.

Section 2 of the act provides that such companies may invest in Texas securities, and it is suggested that the interests of the State would be best subserved by legislation securing investments of such reserves in Texas real estate mortgages, instead of Texas securities, as such investments would tend to lower the rate of interest in Texas, while investments in general Texas securities would have little tendency in that direction.

It is further suggested that if the said House bill No. 89 is approved and becomes a law, the loss in gross receipts occupation taxes as a result of the reduction above mentioned will be shifted to the property taxpayers of the State, which was doubtless not intended by the Legislature. It is, therefore, suggested that Section 5 of said act be so amended as to provide that the occupation tax rate shall be 3 per cent upon the gross premium receipts; provided, that the company or companies having invested as much as 30 per cent of its total Texas reserves in Texas real estate mortgages shall pay only 2 6-10 per cent, and that the company or companies having as much as 60 per cent of its total Texas reserves so invested shall pay only 2 3-10 per cent, and that the company having the required 75 per cent fully invested in Texas real estate mortgages shall only pay 2 per cent.

Such legislative action as will encourage investment and reduce the interest rate to the masses of the people is needed, and the gross receipts premium occupation tax on the premium receipts of life insurance companies, not chartered under the laws of Texas and doing business in Texas and the graduation thereof as above outlined is suggested as a subject for consideration and legislation with that end in view and to prevent a further reduction in the State's revenues from that source. Prompt legislation in the premises is requested, as action must be taken on House bill No. 89 not later than April 3, 1909.

T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, March 24, 1909.

To the Senate:

The advice and consent of the Senate

is requested to the following appointments:

James W. Swayne of Tarrant county, to be judge of the Seventeenth Judicial District of Texas, effective April 5, 1909, to fill the vacancy occasioned by the resignation of Judge Mike E. Smith.

Thomas E. Durham of Gregg county, to be assistant superintendent in charge of the Rusk Penitentiary.

T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Alexander here moved that the Senate go into executive session today at 11 o'clock for the purpose of considering the above appointments. The motion was unanimously adopted by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Meachum.

Absent—Excused.

Hume.

Stokes.

SENATE BILL NO. 51.

On motion of Senator Terrell of Bowie, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 51, by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Mayfield.
Cofer.	Murray.
Greer.	Paulus.
Hayter.	Peeler.
Holsey.	Perkins.
Hudspeth.	Real.
Kellie.	Senter.

Sturgeon. Ward.
Terrell of Bowie. Watson.
Terrell of McLennan. Weinert.
Veale. Willacy.

Nays—2.

Brachfield. Harper.

Absent.

Bryan. Meachum.

Absent—Excused.

Hume. Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 51, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the First Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Hume. Watson.

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams. Alexander.

Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Hume.

Absent—Excused.

Stokes.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 53.

On motion of Senator Terrell of McLennan, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 53, by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—2.

Brachfield. Holsey.

Absent.

Harper. Sturgeon.
Hume. Watson.

Absent—Excused.

Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 53, A bill to be entitled "An Act to provide for the establish-

ment and maintenance of an Agricultural Experiment Station in the Eleventh Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of
Kellie.	McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—2.

Brachfield. Holsey.

Absent.

Harper. Hume.

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—3.

Brachfield. Holsey.

Harper.

Absent.

Hume. Terrell of Bowie.

Absent—Excused.

Stokes.

Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(President Pro Tem. Brachfield in the chair.)

SENATE BILL NO. 60.

On motion of Senator Cofer, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 60, by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—3.

Brachfield. Holsey.

Harper.

Absent.

Hume. Meachum.

Absent—Excused.

Stokes.

(Lieutenant Governor Davidson in the chair.)

On motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.

Veale. Watson.
Ward. Willacy.

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Hume. Weinert.

Absent—Excused.

Stokes.

EXECUTIVE SESSION.

Here the Chair announced that the hour for the Senate to go into executive session to consider the appointments sent to the Senate by the Governor on yesterday and today had arrived, and

The Chamber was ordered cleared of all not entitled to remain.

In executive session the following confirmations were made:

George W. Littlefield of Travis county, Richard Mayes of Navarro county and Mrs. J. C. Terrell of Tarrant county to be members of the Texas Library and Historical Commission.

James W. Swayne of Tarrant county, judge of the Seventeenth Judicial District.

Thomas E. Durham of Gregg county, as assistant superintendent of Rusk Penitentiary.

IN THE SENATE.

SENATE BILL NO. 60.

Action recurred on Senate bill No. 60.

The Chair laid before the Senate, on second reading,

Senate bill No. 60, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Station in the Fourth Senatorial District of Texas, and making an appropriation of \$2500 therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams. Bryan.
Alexander. Cofer.

Greer. Real.
Hayter. Senter.
Hudspeth. Sturgeon.
Masterson. Terrell of Bowie.
Mayfield. Terrell of McLennan.
Meachum. Veale.
Murray. Ward.
Paulus. Watson.
Peeler. Weinert.
Perkins. Willacy.

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Hume. Kellie.

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams. Peeler.
Alexander. Perkins.
Bryan. Real.
Cofer. Senter.
Greer. Sturgeon.
Hayter. Terrell of Bowie.
Hudspeth. Terrell of McLennan.
Kellie. Veale.
Masterson. Ward.
Mayfield. Watson.
Meachum. Weinert.
Murray. Willacy.
Paulus.

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Hume. Absent—Excused.

Stokes.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 34.

On motion of Senator Meachum, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 34, by the following vote:

Yeas—25.

Adams. Bryan.
Alexander. Cofer.

Greer.	Real.
Hayter.	Senter.
Hudspeth.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Veale.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Hume.

Absent—Excused.

Stokes.

(Senator Perkins in the chair.)

The Chair laid before the Senate, on second reading,

Senate bill No. 34, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Fifteenth Senatorial District."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Hume.	Willacy.
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Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Hume.

Absent—Excused.

Stokes.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 54.

On motion of Senator Sturgeon, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 54, by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Hume.

Absent—Excused.

Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 54, A bill to be entitled "An Act providing for the establishment of an agricultural experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Third Senatorial District, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Sturgeon offered the following amendment, which was read and adopted:

Amend the caption by adding the words "and making an appropriation of \$5000 therefor."

Senator Sturgeon offered the following amendment, which was read and adopted:

Amend the bill in Section 2, page 1, line 1, after the word "station," by adding the words "which shall contain not less than 50 acres of good land, and shall be conveyed to the State of Texas without cost to the State."

Bill read second time, and ordered engrossed.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Hume.

Absent—Excused.

Stokes.

(President Pro Tem. Brachfield in the chair.)

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield.	Holsey.
Stokes.	

Absent.

Hume.	Watson.
Perkins.	

Absent—Excused.

Harper.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 55.

On motion of Senator Weinert, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 55, by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Hume.	Watson.
Perkins.	

Absent—Excused.

Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 55, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Twenty-first Senatorial District, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the caption by adding the words "and making an appropriation of \$5000."

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 1, Section 2, by adding after the word "station," in line 4, the following: "Which shall contain not less than fifty acres of good land with suitable improvements which shall be conveyed to the State of Texas without cost to the State."

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Meachum.	Ward.
Murray.	Weinert.
Paulus.	Willacy.

Nays—2.

Brachfield. Harper.

Absent.

Cofer.	Mayfield.
Holsey.	Watson.
Hume.	

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Bryan.
Alexander.	Greer.

Hayter.	Real.
Hudspeth.	Senter.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.
Murray.	Ward.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—2.

Brachfield. Harper.

Absent.

Cofer.	Hume.
Holsey.	Watson.

Absent—Excused.

Stokes.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, as pending business and on second reading,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

The question on the bill was the following pending amendment by Senator Cofer:

Amend Section 11, page 7, by inserting in line 6, page 7, after the word "prepare" the words "and recommend for adoption to the Legislature and to become laws only when adopted by the Legislature."

Senator Alexander offered the following substitute for the amendment:

Amend bill by substituting the following for Section 11:

Section 11. Power is hereby conferred on the Texas State Board of Health to prepare a sanitary code to be known as the "Sanitary Code for Texas," which shall provide rules and regulations for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic condition within this State, for the suppression and prevention of infectious and contagious diseases, and for the proper enforcement of quarantine, isolation and control of such diseases, which said code, when so made, adopted, approved by the Governor, published and promulgated,

shall have the force of law in all respects as far as relates to the following subjects:

(a) In the management of quarantine and disinfection with respect to all contagious, infectious diseases and exposures.

(b) In the government of quarantine and disinfection of all pestilential diseases, such as bubonic plague, Asiatic cholera, leprosy, typhus and yellow fever.

(c) For the inspection, sanitation and disinfection of all railway coaches (including interurban cars), sleeping cars, street cars, waiting rooms, toilet rooms in cars and stations, depots and stations; the regulations for the proper protection of the public water and heat supplies in such places, and the sanitary conduct and condition of all persons within such places.

(d) Governing the reporting by physicians of the presence in any locality of all contagious and infectious diseases.

(e) Governing the manner and method of collecting and reporting all vital and sanitary statistics, including reports of births and deaths, designating by whom such report shall be made and the form of same.

(f) Governing the preparation for transportation of dead bodies.

Provided, that said Texas State Board of Health shall prepare and adopt at such time as they may deem proper and expedient an "Advisory Supplement" to such "Sanitary Code for Texas" which shall contain rules and regulations on the following subjects:

(1) Prescribing and fixing the standard for disinfectants; requiring employment of disinfectants of proper quality and standard for the disinfection of all premises as directed by the board.

(2) Regulating the proper sanitary disposition of sewerage and offal, and the proper drainage of unsanitary premises.

(3) Governing the proper disposition, interment and disinterment of dead bodies.

(4) Regulating the examination and inspection both ante mortem and post mortem of all animals which may be intended for supplying food products of meat for human consumption; regulating and governing the protection of the public with reference to the sale and use of diseased animals for producing food products or meat; the manner of feeding to animals designated for producing food products for human consumption; all offensive or diseased producing food stuffs; regulating the in-

spection, examination and management of all dairy cows and herds for the purpose of controlling and suppressing tuberculosis and other diseases liable to be communicated from animal to man.

(5) Regulating the sanitary condition of public schools applicable to teachers, pupils and employes, and prescribing rules and regulations for the prevention and suppression of diseases among the pupils of public schools.

(6) Rules and regulations for the sanitation and disinfection of public buildings; provided, that a public building is hereby declared to be any building owned by the State or any county or any city school building, college or university of any class, any dance hall, music hall, saloon, fire hall, skating rink, theater, theatorium, moving picture show, circus, pavilion, office building, hotel, lodging house, restaurant, lecture hall, place of public worship or any building or place used for the congregation, occupation or entertainment, amusement or instruction of the public.

Provided, that such "Advisory Supplement" to said "Sanitary Code for Texas" shall be advisory only. It shall be the duty of all city and county health officers, members of city councils, city and county commissioners to so operate at all times with the Texas State Board of Health in enforcing the rules and regulations contained in such "Advisory Supplement," and any city or town in this State may by a majority of its city council or commissioners and with the approval of a majority of the members of the school board of such city or town, adopt such advisory supplement, and the rules and regulations therein contained shall thereafter have the full force and effect of law in such city or town; provided, that the commissioners court of any county in this State may by a majority vote adopt said "Advisory Supplement" to the "Sanitary Code for Texas" and thereafter the rules and regulations contained in such "Advisory Supplement" shall have the full force and effect of law outside of all incorporated cities and towns in such county.

Any person who shall violate any of the rules and regulations contained in the "Sanitary Code for Texas" as embraced in subdivisions a, b, c, d, e and f of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 and not more than \$1000.

Any person who shall wilfully violate any of the rules and regulations con-

tained in the "Advisory Supplement" to the "Sanitary Code for Texas," embraced in subdivisions 1, 2, 3, 4, 5 and 6 of Section 11 of this act, when same shall have been adopted by the city or county in which said person shall have violated such rules and regulations, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5.00 and not more than \$100.

It shall be the duty of the said Texas Board of Health to provide for the removal of known causes of disease; to provide for the extermination of obnoxious and hurtful insects, vermin and rodents when necessary to prevent and suppress disease.

For the compilation and preparation of such code, it shall be the duty of the board to consult authorities and make investigations relative to the most approved modern sanitary codes and spare no pains to make the same complete in the light of modern science.

On adoption of the said code by votes of a majority of the members of the board, and approved by the Governor, it shall be published at length for one time in the official monthly bulletin of the State Board of Health, and at least three times for three consecutive weeks in three daily newspapers of the State, after which adoption, approval and publication, it shall become operative and have the absolute force of law, and any person who shall violate any of the rules, regulations in said sanitary code after its adoption and publication as above provided for shall be deemed guilty of a misdemeanor and upon conviction shall be fined as herein prescribed.

And it is hereby made the duty of the several courts of this State having jurisdiction over such offenses, according to the grade thereof, to enforce and carry into effect each and all of the rules and regulations as promulgated in said "Sanitary Code for Texas, when they shall have the force and effect of law as provided herein, and to impose and collect penalties in the amounts therein specified from all persons found guilty of any violations thereof.

There shall be printed by the board and by it published in pamphlet form a sufficient number of copies of the "Sanitary Code for Texas" for distribution to the public. Copies shall be furnished free upon application to county and municipal health authorities, boards of health, mayors, members of city council, city commissioners and judges and clerks of courts. Copies of said code shall be

furnished by the board upon application to any person applying therefor and paying a nominal sum, to be fixed by the board, to cover cost of publication and transportation of same.

Provided, this act shall not be construed to repeal any of the laws of this State now in force affecting the public health, but shall be construed to be cumulative to said laws, and the Board of Public Health is hereby authorized to promulgate rules and regulations for all laws relating to the public health now in force in this State.

ALEXANDER,
WILLACY.

Senator Terrell of Bowie moved that the above amendment be printed in the Journal, and that the bill be made a special order for Friday morning at the conclusion of the morning call.

The motion was adopted.

SENATE BILL NO. 6.

The Chair laid before the Senate, as pending business, and on second reading,

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter 11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justices of the peace, and repealing all laws and parts of laws in conflict herewith."

There being an adverse majority committee report and a favorable minority committee report,

Senator Mayfield moved the adoption of the minority committee report, and

Senator Terrell of Bowie moved, as a substitute, that the majority committee report be adopted.

Senator Meachum moved the previous question on the pending motion, which motion was seconded.

The motion for the previous question was lost by the following vote:

Yeas—12.

Adams.	Peeler.
Harper.	Perkins.
Masterson.	Real.
Meachum.	Terrell of Bowie.
Murray.	Weinert.
Paulus.	Willacy.

Nays—13.

Alexander.	Kellie.
Brachfield.	Mayfield.
Bryan.	Senter.
Cofer.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	

Absent.

Greer.	Ward.
Hume.	Watson.

Absent—Excused.

Stokes.

RECESS.

Senator Peeler moved that the Senate recess until 3:30 o'clock today.
The motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 16, A bill to be entitled "An Act to amend Article 1019, Title 27, Chapter 16 of the Revised Civil Statutes of the State of Texas, relating to appearances by brief of attorneys for either party in the Courts of Civil Appeals, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 16, referred to Judiciary Committee No. 1.

Here the Senate was at ease for five minutes.

When the Senate was called to order, Senator Peeler moved that Rev. Abe

Mulkey, who was present in the Senate Chamber, be invited to address the Senate.

The motion was unanimously adopted.

ADJOURNMENT.

Senator Hudspeth, at 4:30 o'clock p. m., moved that the Senate adjourn until 10 o'clock Friday morning.

Senator Holsey moved that the Senate adjourn until 10 o'clock tomorrow morning.

Action being on the longest time first, the motion to adjourn until 10 o'clock Friday morning was adopted by the following vote:

Yeas—13.

Hudspeth.	Real.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—10.

Alexander.	Holsey.
Brachfield.	Paulus.
Bryan.	Senter.
Cofer.	Veale.
Harper.	Ward.

Absent.

Adams.	Hume.
Greer.	Mayfield.
Hayter.	Sturgeon.

Absent—Excused.

Stokes.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 46, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by law, in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions hereunder,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

(Floor Report.)

Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 66, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Paulus, Perkins, Terrell of Bowie, Masterson, Willacy, Ward, Sturgeon.

(Floor Report.)

Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 64, A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State, providing appropriation to carry

this law into effect, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Hayter, Chairman; Peeler, Masterson, Kellie, Real, Perkins, Willacy, Murray.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 59, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Fifth Senatorial District of Texas, and making an appropriation of \$10,000 therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Sturgeon, Paulus, Perkins, Holsey, Willacy.

(Floor Report.)

Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 67, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Second Senatorial District,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Sturgeon, Willacy, Kellie, Cofer, Murray, Holsey.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 60, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural station in the Fourth Senatorial District

of Texas, and making appropriation of \$2500 therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Chairman; Sturgeon, Paulus, Perkins, Holsey, Willacy.

(Majority Report.)

Committee Room,
Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers, or other persons operating railroads in this State, to be liable to employees for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow and children and mother and father of the deceased; and if none, then of the next of kin dependent upon such employe; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States or in any way interfere with any proceeding now pending in any court, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Internal Improvements, to whom was referred

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State, to be liable to employees

for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow and children and mother and father of the deceased; and if none, then of the next of kin dependent upon such employe; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States or in any way interfere with any proceeding now pending in any court, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

MASTERSON,
PERKINS.

Committee Room,
Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act creating the office of State Fire Marshall; and defining his powers and duties; and providing for the investigation of fires for the purpose of ascertaining the cause thereof; and prescribing the duties of certain officers in connection with such investigation, and of school teachers respecting fire protection, and amending Section 8 of Chapter 18 of the General Laws of the First Called Session of the Thirtieth Legislature so as to increase the rate of taxes on fire insurance companies and provide an additional tax sufficient to defray the expenses incurred by the maintenance of the office of State Fire Marshal and the performance of his duties herein defined; providing penalties for violations of certain provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 39, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Thirty-second Representative District, and making the necessary appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 53, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station in the Eleventh Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 34, A bill to be entitled "An Act to establish an Agricultural Experiment Station in the Fifteenth Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 51, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station in the First Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

Waco, Texas, March 23, 1909.

Hon. H. B. Terrell, Austin, Texas:

We heartily favor passing appropriation bill and adjourning. We do not believe that any of the subjects submitted will assist in the upbuilding of Texas. We have had enough legislation for the best interest of this State.

Earnestly soliciting your support.

Numerously signed.

By Senator Adams:

Brownwood, Texas, March 17, 1909.

To Hon. W. N. Adams, State Senate,
and Hon. C. H. Jenkins, House of Representatives, Austin, Texas.

Sirs: In view of the fact that a large majority of the leading bankers and financiers of the State are strongly opposed to the enactment of any law bearing on the guaranty of deposits, and believing that this opposition to such law is based upon the actual experience of able men who have devoted a lifetime to the study of banking; dreading the ultimate results that may arise from a radical departure from the solid experience of the past, and that such opposition is not from selfish motives; and believing that the enactment of such a law would be in violation of the fundamental principles of our institutions; and believing that the law guaranteeing deposits, even in Oklahoma, is yet an unsupported theoretical experiment which has already required amendments, one of the amendments asked for, showing the grave apprehension of danger lurking in such a law; and believing that time alone can only furnish a practical demonstration as to whether or not the guaranty law of Oklahoma should be an object lesson for Texas to follow; and further believing that even if there is a platform demand on that subject, which is denied by some, it would not suffer by deferring action in the matter until two years hence; therefore, we would earnestly represent that we deem it the part of wisdom and discretion that the Legislature of Texas do not act hastily in a matter so momentous to the financial interests of the State, but rather defer action thereon for the next two years, thereby enabling our lawmakers to see the result of such a law in other States and profit thereby.

Signed—Coggin & Ford Co., Brown-

wood National Bank, Citizens' National Bank, B. E. Hurlbut, Brooke, Smith & Co.

By Senator Kellie:

Beaumont, Texas, March 23, 1909.

Captain E. I. Kellie, Senate, Austin, Texas:

Would be glad to see you pass appropriations and adjourn.

H. D. FLETCHER.

Beaumont, Texas, March 23, 1909.

E. I. Kellie, Austin, Texas:

Your constituents want appropriation bill passed and then adjourn.

F. C. McREYNOLDS,
JNO. H. HIGLEY.

The Chair had the following telegrams read to the Senate:

Beaumont, Texas, March 23, 1909.

President of the Senate, Austin, Texas:

We believe much of the legislation proposed will do great harm, and respectfully petition your body to adjourn.

Signed—W. E. Adams, L. Solinsky, W. C. Arnold, J. B. Synnott, G. W. McCain, John H. Broocks.

Beaumont, Texas, March 23, 1909.

Lieutenant Governor, Austin, Texas:

We respectfully submit that the best thing that the Legislature can do is to pass no more laws and allow the people to rest.

Signed—R. M. Mothner, Louis Mayer, Guy W. Junker.

Beaumont, Texas, March 23, 1909.

Lieutenant Governor, Senate Chamber, Austin, Texas:

The new measures submitted by the Governor are regarded as extreme. We believe they would injure the State.

Signed—W. F. Keith, J. J. Nathan.

By Senator Perkins:

Celeste, Texas, March 22, 1909.

Hon. Tom W. Perkins, Austin, Texas:

Use your best efforts to defeat depositors' bank guarantee law for two years, until the Oklahoma law has been thoroughly tested.

Signed—Y. R. Eastwood, S. P. Green, C. E. Patterson and twenty-six others.

NINTH DAY.

Senate Chamber,
Austin, Texas,

Friday, March 26, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Real.

Senter.

Prayer by Rev. A. H. B. McCurdy.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

SIMPLE RESOLUTION.

By Senator Murray:

Resolved, by the Senate of Texas, That the people of Uvalde be extended our heartfelt thanks for the many courtesies shown to the members who visited their splendid little city on yesterday. We saw in the people of Uvalde that splendid type of citizenship that has made the western man the model for the advanced civilization of the world, and we extend to our brother Senator, Claude Hudspeth, congratulations after having seen some of the people he represents.

MURRAY,
HARPER,
WEINERT,
TERRELL of Bowie,
PERKINS,
REAL,
HAYTER,
KELLIE.

The resolution was read and adopted.

BILLS AND RESOLUTIONS.

By Senator Meachum:

Senate bill No. 73, A bill to be entitled "An Act to amend Article 942, Chapter 2, Title 27 of the Revised Statutes, regulating the prosecution of writs of error to the Supreme Court, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Stokes, Kellie and Wil-
lacy:

Senate bill No. 74, A bill to be entitled "An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

Morning call concluded.

By unanimous consent, after the morning call had been concluded:

By Senator Senter:

Senate bill No. 75, A bill to be entitled "An Act providing that the plea of contributory negligence shall be no defense to any cause of action in this State, if at the time such cause of action arose, the person, firm or corporation interposing such plea of contributory negligence was acting in violation of any statute of the State or in violation of any ordinance of any incorporated town or city within the State, defining contributory negligence, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Judiciary Committee No. 1.

By Senator Harper:

Senate bill No. 76, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purpose for which same shall be held, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Insurance, Statistics and History.

SENATE BILL NO. 48.

On motion of Senator Hume, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 48, by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Real.	Terrell of Bowie.
Senter.	

The Chair laid before the Senate, on second reading,

Senate bill No. 48, A bill to be entitled "An Act amending that part of Title 31 of the Revised Statutes of the State of Texas, which provides for the establishment of a criminal district court for the criminal district composed of the counties of Galveston and Harris, by adding thereto Chapter 3a; providing for a district attorney for said criminal district, and prescribing the duties, powers and compensation of the district attorney for said criminal district, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hume, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage, by the following vote:

Yeas—28.

Adams.	Hume.
Alexander.	Kellie.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Perkins.
Hudspeth.	Stokes.

Sturgeon.	Ward.
Terrell of Bowie.	Watson.
Terrell of McLennan.	Weinert.
Veale.	Willacy.

Absent.

Real.	Senter.
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The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Real.	Senter.
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Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 49.

On motion of Senator Hume, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 49, by the following vote:

Yeas—27.

Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Adams.	Senter.
Real.	

The Chair laid before the Senate, on second reading,

Senate bill No. 49, A bill to be entitled "An Act amending Chapter 4 of Title 31 of the Revised Statutes of the State of Texas, relating to the establishment of a criminal district court for the criminal district composed of Galveston and Harris counties, by providing for the appointment, duties, qualifications and compensation of assistant district attorneys for said criminal district, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hume, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage, by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Real.	Senter.
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The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Real.

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 50.

On motion of Senator Hume, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 50, by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Real. Terrell of McLennan.

The Chair laid before the Senate, on second reading,

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and ordered engrossed.

SENATE BILL NO. 67.

The Chair laid before the Senate, as the special order, Senate bill No. 8, and

On motion of Senator Holsey, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 67, by the following vote:

Yeas—25.

Adams.	Hayter.
Alexander.	Holsey.
Bryan.	Hume.
Cofer.	Kellie.
Greer.	Masterson.
Harper.	Mayfield.

Meachum.	Sturgeon.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Senter.	Willacy.
Stokes.	

Nays—1.

Brachfield.

Absent.

Hudspeth.
Real.

Terrell of Bowie.
Terrell of McLennan.

The Chair laid before the Senate, on second reading,

Senate bill No. 67, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Second Senatorial District."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Holsey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—2.

Brachfield.

Harper.

Absent.

Hume.
Real.

Stokes.
Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Hayter.
Alexander.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.
Greer.	Masterson.

Mayfield.	Sturgeon.	Murray.	Terrell of
Meachum.	Terrell of Bowie.	Paulus.	Veale.
Murray.	Veale.	Peeler.	Ward.
Paulus.	Ward.	Perkins.	Watson.
Peeler.	Watson.	Senter.	Weinert.
Perkins.	Weinert.	Sturgeon.	Willacy.
Senter.	Willacy.		
Stokes.			

Nays—2.

Brachfield.

Harper.

Absent.

Hume.
Real.

Terrell of McLennan.

Senator Holsey moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 17, A bill to be entitled "An Act to amend Article 1407, Chapter 19 of Title 30, Revised Civil Statutes of Texas, 1895, relative to appeal bond on any appeal or writ of error."

House bill No. 71, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax, and prescribing the method of its collection, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 52.

On motion of Senator Paulus, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 52, by the following vote:

Yeas—24.

Adams.	Hudspeth.
Alexander.	Hume.
Bryan.	Kellie.
Cofer.	Masterson.
Greer.	Mayfield.
Hayter.	Meachum.

Brachfield.

Holsey.

Absent.

Harper.
Real.Stokes.
Terrell of

The Chair laid before the second reading,

Senate bill No. 52, A bill to "An Act providing for the ment of an additional experimtion for the purpose of condperiments in agriculture, hc and forestry, said station to b in the Eighteenth Senatorial and declaring an emergency."

The committee report, which that the bill be not printed, wa

Senator Paulus offered the amendment, which was read a ed:

Amend the caption by add making an appropriation of \$5

Bill read second time, and o crossed.

On motion of Senator Paulus stitutional rule requiring bills t on three several days was suspe the bill put on its third rea final passage by the following

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of
Hudspeth.	Terrell of M
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—2.

Brachfield.

Holsey.

Absent.

Harper.
Real.

Stokes.

The bill was read third t passed by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Real.	Stokes.
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Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 68.

On motion of Senator Peeler, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 68 by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Real.	Stokes.
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On motion of Senator Peeler, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Senter.
Hudspeth.	Sturgeon.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.

Nays—3.

Brachfield.	Holsey.
Harper.	

Absent.

Real.	Terrell of McLennan.
Stokes.	Weinert.
Terrell of Bowie.	

The Chair laid before the Senate, on second reading,

Senate bill No. 68, A bill to be entitled "An Act for the establishment of an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twentieth Senatorial District, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Peeler offered the following amendment, which was read and adopted:

Amend the caption by adding "and making an appropriation of \$5000."

(President Pro Tem. Brachfield in the chair.)

Bill read second time, and ordered engrossed.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Real. Terrell of McLennan.
Terrell of Bowie. Weinert.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams. Paulus.
Alexander. Peeler.
Bryan. Perkins.
Cofer. Senter.
Greer. Stokes.
Hayter. Sturgeon.
Hudspeth. Terrell of Bowie.
Hume. Terrell of McLennan.
Kellie. Veale.
Masterson. Ward.
Mayfield. Watson.
Meachum. Weinert.
Murray. Willacy.

Nays—3.

Brachfield. Holsey.
Harper.

Absent.

Real.

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 11, A bill to be entitled "An Act to establish four additional State Agricultural Experiment Stations, and providing the ways and means for their maintenance, and the maintenance of farm demonstration work in connection with said experiment stations, and making an appropriation therefor, and declaring an emergency."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Brachfield) had referred, after their captions

had been read, the following (see first and second House for captions of):

House bill No. 17 referred to Committee No. 1.

House bill No. 71 referred to Committee on Finance.

House bill No. 11 referred to Committee on Agricultural Affairs

MOTIONS PENDING.

Senator Ward moved that order of business (Senate bill suspended, and the Senate take up of its order, Senate bill No.

Senator Watson moved a vote that the special order (Senate bill No. 8) be suspended the Senate take up, out of Senate bill No. 66.

(Senator Terrell of Bowie chair.)

ADJOURNMENT.

Senator Meachum moved that adjourn until 10 o'clock morning.

Senator Watson moved as that the Senate adjourn tomorrow at 10 o'clock.

Action being on the longest the motion to adjourn tomorrow was lost by the following vote:

Yeas—6.

Hudspeth. Masterson.
Hume. Paulus.
Kellie. Watson.

Nays—22.

Adams. Peeler.
Alexander. Perkins.
Brachfield. Senter.
Bryan. Sturgeon.
Cofer. Terrell of
Greer. Terrell of
Harper. 1
Hayter. Veale.
Holsey. Ward.
Mayfield. Weinert.
Meachum. Willacy.
Murray.

Absent.

Real. Stokes.

The motion to adjourn tomorrow at 10 o'clock was lost

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 69, A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass.

Hayter, Chairman; Hudspeth, Hume, Perkins, Kellie, Murray, Willacy.

(Floor Report.)

Austin, Texas, March 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for district courts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensation of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass, and be not printed.

Masterson, Cofer, Peeler, Veale, Senter, Paulus, Ward.

(Floor Report.)

Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 68, A bill to be entitled

"An Act to establish an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twentieth Senatorial District, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Holsey, Willacy, Paulus, Kellie, Cofer.

(Floor Report.)

Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 71, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Seventeenth Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass, and be not printed.

Mayfield, Chairman; Hume, Perkins, Sturgeon, Kellie, Murray, Willacy.

(Floor Report.)

Austin, Texas, March 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 70, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station to be located in the Twenty-fourth Senatorial District, composed of Bexar, Kendall, Kerr, Bandera and Gillespie counties, and making the necessary appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Kellie, Sturgeon, Murray, Willacy, Hume.

(Floor Report.)

Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 71, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax, and prescribing the method of its collection, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass, and be not printed.

Willacy, Chairman; Holsey, Murray, Harper, Weinert, Brachfield, Peeler, Terrell of Bowie, Paulus, Sturgeon, Meachum.

(Majority Report.)

Committee Room,
Austin, Texas, March 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 56, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 56, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

WATSON
HUDSPETH

(Majority Report.)

Committee Room
Austin, Texas, March 25,

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act to create a State Insurance Board; to define its powers and to provide for a depositor's guarantee fund under the supervision of said board and fixing the conditions and terms under which banks and trust companies shall avail their depositors of the benefit of said fund; fixing the amount to be set aside for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund, authorizing certain advertising privileges to such bank providing a penalty for the unauthorized use of such advertising privileges; declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do not pass, but the following substitute do pass in thereof:

S. S. B. No. 4. By Commission

A BILL

To be entitled

An Act to require each corporation organized under the laws of this State to do a banking business, or to receive funds on deposit, to file annually or before the first day of January with the Superintendent of Banks for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by such Superintendent; to secure the depositors of such bank for the succeeding year, fixing the terms of such bond, policy of insurance or other guaranty, authorizing any other person, firm or corporation doing a banking business in the State or receiving funds on deposit; to take the benefits of the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of

insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business, or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of each banking corporation, or other corporation receiving funds on deposit, created under the laws of the State of Texas and transacting business in the State, to file annually with the Superintendent of Banking, on or before the first day of each year, a bond, or policy of insurance, or other guaranty of indemnity in an amount equal to the average daily deposits of such corporation filing the same for the preceding year; provided, that no part of the assets of the corporation filing such bond, or other guaranty, shall be considered in determining its sufficiency. Such bond or policy of insurance or other guaranty shall be subject to approval by the Superintendent of Banking, and shall take effect and be in force from and after the time it is approved and filed by him.

Sec. 2. Any person, firm or corporation transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of this act and to file a bond, or policy of insurance, or other guaranty of indemnity, as provided in Section 1 hereof; provided, that any such person, firm or corporation shall submit therewith to the Superintendent of Banking such reports and statements concerning its deposits and concerning the solvency of such bond or policy of insurance or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance, or other guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof.

Sec. 3. In the event of default by the person, firm or corporation who shall make or execute the bond, or policy of insurance, or other guaranty of indemnity, provided for herein, it shall be the duty of the Superintendent of Banking, when such default shall be made known to him, to report the same to the Attorney General of the State, and to give notice thereof to each and all persons

who may be obligated by reason of the conditions of such bond or policy of insurance or other guaranty of indemnity. In the event such person, firm or corporation in default shall so continue for the period of six months from the beginning thereof, it shall be the duty of the Attorney General, or any district or county attorney acting at his instance, to bring suit upon such bond, or policy of insurance, or other guaranty of indemnity in the name of the Governor, and for the benefit of all persons who may be beneficiaries thereof, by reason of its terms and conditions. Such suit shall be instituted in the district court of the county where the person, firm or corporation making such bond, policy of insurance or other guaranty of indemnity resided and transacted such business at the time of the filing thereof. Any action upon such bond, or policy of insurance, or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof, and not thereafter.

Sec. 4. The Superintendent of Banking shall charge a fee of \$25 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 1, and the examination of the solvency thereof and for the filing of the same, and shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any other person, firm or corporation permitted to file such bond, or policy of insurance, or other guaranty of indemnity under the provisions of this act.

Sec. 5. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

The State of Texas,

County of.....

Know all men by these presents: That we,, as principal, and, as sureties, are held and firmly bound unto the Governor of the State of Texas and his successors in office in the sum of dollars, conditioned that the above bound, will pay upon demand, or in accordance with its certificates of deposit, to the persons entitled thereto, all funds or other deposits received by it during the period beginning and ending

Sec. 6. If any corporation organized

under the laws of this State to do a banking business or to receive funds on deposit shall fail or refuse to file the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 1 hereof, in accordance therewith, it shall be the duty of the Superintendent of Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 7. In the event the business of any person, firm or corporation applying to the Superintendent of Banking for permission to file a bond, or policy of insurance, or other guaranty of indemnity as provided herein, shall not have been in operation for one year preceding such application, the Superintendent of Banking shall have authority, and it shall be his duty to fix the amount of such bond, or policy of insurance, or other guaranty of indemnity, at his discretion.

Sec. 8. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 9. The fact that no adequate provision now exists for the executing and filing of bonds, or other indemnities for the protection of depositors in banks, and other concerns receiving funds for deposit in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositor's guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may

avail their depositors of the benefit of said fund; fixing the amount to be set aside for the creation of said fund in any manner and time of payment; fixing the manner of management and administration of said fund; authorizing advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges, declaring an emergency."

Have had the same under consideration, and beg leave to report it to the Senate with the recommendation that it do pass.

ALEXANDER,
TERRELL of McLennan,
MAYFIELD,
VEALE.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 59, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Fifth Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 55, A bill to be entitled "An Act providing for the establishment of an agricultural experiment station in the Twenty-first Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 60, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the Fourth Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 54, A bill to be entitled "An Act providing for the establishment of an agricultural experiment station in the Third Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Hudspeth:

San Angelo, Texas, March 18, 1909.

To Hon. C. B. Hudspeth, State Senate, and Hon. Brown F. Lee, House of Representatives, Austin, Texas.

Sirs: In view of the fact that a large majority of the leading bankers and financiers of the State are strongly opposed to the enactment of any law bearing on the guaranty of deposits; and

Believing that this opposition to such a law is based upon the actual experience of able men who have devoted a life time to the study of banking, dreading the ultimate results that may arise from a radical departure from the solid experience of the past, and that such opposition is not from selfish motives; and

Believing that the enactment of such a law would be in violation of the fundamental principles of our institutions; and

Believing that the law guaranteeing deposits, even in Oklahoma, is yet an unsupported, theoretical experiment which has already required amendments, one of the amendments asked for showing the grave apprehension of danger lurking in such a law; and

Believing that time alone can only furnish a practical demonstration as to whether or not the guaranty law of Oklahoma should be an object lesson for Texas to follow; and

Further believing that, even if there is a platform demand on that subject, which is denied by some, it would not suffer by deferring action in the matter until two years hence.

Therefore, we would earnestly represent that we deem it the part of wisdom and discretion that the Legislature of Texas do not act hastily in a matter so momentous to the financial interest

of the State, but rather defer action thereon for the next two years, thereby enabling our lawmakers to see the result of such a law in other States, and profit thereby.

Numerously signed.

By Senator Adams:

Hon. W. N. Adams, State Senator, Austin, Texas:

We, the undersigned, citizens, request that you use your best endeavors toward passing the appropriation bill and then adjourn, thereby earning the everlasting gratitude of your constituents.

Numerously signed.

By Senator Perkins:

Commerce, Texas, March 24, 1909.

Hon. Thos. W. Perkins, State Senator, Austin, Texas.

Dear Sir: We the undersigned, business men of Commerce, Texas, beg to say that we are unalterably opposed to the compulsory guaranty of deposits law, and ask that in the name of justice and right you oppose it.

We think the people should have an opportunity to thoroughly understand what compulsory guarantee of deposits mean before such a law is passed.

Numerously signed.

TENTH DAY.

Senate Chamber,

Austin, Texas,

Saturday, March 27, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.
Cofer.
Harper.
Hayter.
Greer.
Holsey.
Hudspeth.
Kellie.
Masterson.
Mayfield.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Bryan.
Hume.

Real.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Real for yesterday, today and Monday, on motion of Senator Hayter.

BILLS AND RESOLUTIONS.

By Senators Peeler and Watson:

Senate bill No. 77, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

By unanimous consent, after the morning call was concluded, Senator Veale presiding:

By Senator Hudspeth:

Senate bill No. 78, A bill to be entitled "An Act to amend Chapter 114, acts of the Twenty-eighth Legislature, approved April 6, 1903, entitled 'An Act requiring the disinfection of public buildings, railway coaches and sleeping cars, and providing a penalty for the violation thereof, by adding thereto Section 5 declaring slaughter houses, meat markets and dairies to be public buildings, and to declare an emergency.'"

Read first time, and referred to Committee on Public Health.

SENATE BILL NO. 18.

Action recurred on the pending motion by Senator Ward to suspend pending business (Senate bill No. 8) and take up, out of its order, Senate bill No. 18, and the substitute motion by Senator Watson to suspend the pending busi-

ness and take up, out of its order, Senate bill No. 66.

Senator Watson withdrew the substitute motion.

Action then recurred on the motion to suspend and take up bill No. 18.

The motion was adopted by the following vote:

Yeas—27.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Kellie.
Masterson.
Mayfield.
Meachum.

Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of McLer.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Hume.
Real.

Terrell of Bowie.

The Chair laid before the Senate, second reading,

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency."

There being a majority favorable committee report, and a favorable minority committee report with an amendment.

Senator Hudspeth moved to adopt the minority committee report, and

Senator Murray moved to table that motion.

The motion to table prevailed.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 1 and insert in lieu thereof the following:

Section 1. For the purpose of enforcing any and all laws of the State of Texas, and for the purpose of paying any and all necessary expenses in bringing suits or paying expenses in prose-

cuting same, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$25,000 or so much thereof as may be necessary to be expended under the direction of the Attorney General by and with the approval of the Governor, and to be paid upon warrants drawn by the Comptroller of Public Accounts on vouchers approved by the Attorney General.

MURRAY,
BRYAN.

Senator Murray offered the following amendment, which was read and adopted:

Amend the caption of the bill by striking out all after the word "appropriation," in line 1, down to and including the word "institutions," in line 11, and insert in lieu thereof the following: "For the enforcing of any and all laws of the State of Texas, and for the purpose of paying any and all necessary expenses in bringing and prosecuting or paying expenses in prosecuting same."

MURRAY,
BRYAN.

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—1.

Paulus.

Absent.

Hume.

Stokes.

Absent—Excused.

Real.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Nays—2.

Perkins.

Watson.

Absent.

Hume.

Stokes.

Absent—Excused.

Real.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading and special order,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

The question on the bill was the substitute amendment by Senators Alexander and Willacy for the amendment by Senators Cofer and Murray (see Journal of March 24 for the substitute amendment).

The substitute for the amendment was adopted.

Senator Weinert offered the following amendment to the substitute, which was read and adopted:

Amend the substitute by striking out the word "disposition" in Subdivision 3, page 2.

ALEXANDER,
WILLACY,
WEINERT.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the word "ventilation" after the word

"water," in line 5 of Subdivision C; also by striking out the word "sanitary" in line 2 of Subdivision E, and insert the word "mortuary" in lieu thereof; also by inserting the words "to whom and" after the word "designating" in line 3 of Subdivision E.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the words "and health officers" after the word "physicians," in line 1 of Subdivision D.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the word "garbage" after the word "sewerage," in line 1 of Subdivision 2, page 2.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by striking out all after the word "of," in line 1 of Section 5, page 2, and insert the following: "Slaughter houses, meat markets and dairies."

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the words "investigate and to" after the word "to," in line 34, page 3.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by adding Subdivision 7 immediately after Subdivision 6, page 3, as follows:

"Section 7. Rules and regulations to govern and control the conduct and operation of markets, peddlers' wagons and all other places and methods of expo-

sure for sale of meats, fish, poultry, game, fruits, vegetables and all perishable articles of food exposed for sale and to regulate the time and method of such exposure, and to prescribe limit methods for the preservation of such articles of food, and to provide for the doing of any act or the use of any method with respect thereto, which the board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting after the word "and," in line 11, page 3, the following: "Wherever the subject matter relates to the schools."

WILLACY,
ALEXANDER,
HARPER.

Senator Senter offered the following amendment to substitute, which was read and adopted:

Amend the bill so as to change the penalty for violation of any of the rules and regulations contained in the sanitary supplement to the sanitary code as provided in Subdivision 6 of Section 11, as amended, so as to make the minimum penalty "\$200" instead of \$100.

The substitute, as amended, was adopted.

Section 12 was then taken up.

Senator Masterson offered the following amendment:

Amend the bill, Section 12, page 4, by adding at the end of Section 12 the following: "And subject to the regulations and provisions of Section 12 of this act."

MASTERSON,
ALEXANDER.

Senator Hayter offered the following amendment, which was adopted:

Amend the bill by striking out after the word "expedient," line 12; also all of lines 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

HAYTER,
WILLACY,
HARPER.

The amendment, as substituted, was then adopted.

There being no amendments for Sections 13 and 14, Section 15 was taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, Section 15, page 13, line 17, by inserting before the word "places" the word "public," and by inserting before the word "building" same line and page, the word "public."

There being no amendments to Sections 16, 17, 18 and 19, Section 20 was taken up.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the bill, page 14, Section 20, line 24, by adding after the word "cause" the following: "Provided, however, that in all counties where there is a duly appointed and acting county physician heretofore appointed, the county judge shall appoint such county physician as county health officer."

WATSON,
WILLACY,
HUDSPETH,
ALEXANDER.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 20, after the word "court," in line 29, page 14, of the printed bill, and inserting a period for the comma.

ALEXANDER,
WILLACY,
HAYTER.

(Senator Veale in the chair.)

Senator Meachum offered the following amendment:

Amend Section 20, line 20, of the printed bill by striking out the words "county judge," and insert in lieu thereof "commissioners court by a majority vote."

Senator Cofer offered the following substitute for the amendment:

Strike out the word "appoint," in line 21, page 14, and insert in lieu thereof the word "nominate," and then add after said word "nominate" the words "to be confirmed by a majority vote of the commissioners court."

On motion of Senator Meachum the substitute was tabled.

The amendment by Senator Meachum was then adopted.

Senator Weinert offered the following amendment, which was read and adopted:

Amend Section 20 by adding the following at the end of said section: "Provided, that no compensation or salary shall be allowed except for services actually rendered."

Section 21 was taken up.

Senator Murray offered the following amendment:

Amend Section 21 by adding after the word "created," in line 2, page 15, the following: "In cities holding a charter granted by the Legislature of the State of Texas."

On motion of Senator Harper, the amendment was tabled.

There being no amendments to Section 22, Section 23 was taken up.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "office," in line 8, page 17, of the printed bill, the following: "Unless such charges are shown to be untrue and are not sustained."

Section 24 was taken up.

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 24, line 21, page 15, by adding after the word "county," the words "or city."

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 24, page 15, by striking out all of line 23 after the word "to" and all of line 24 down to the word "first," and in lieu of such words stricken out, the following words: "Appoint such county or city health officer to hold office until the local authorities shall fill such office."

Section 26 was taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting a comma for a period after the word "compensation," in line 29, page 16, Section 26, and adding the following words: "Which cause shall be tried in the district court of the county in which such county health officer resides."

ALEXANDER,
WILLACY.

Section 27 was taken up.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "mayor," in line 6, page 15 of the printed bill, and insert the words "city council or the city commission, as the case may

be," and by striking out the word "nominate," in line 7, of said page 15, and insert the word "elect." Also strike out the words "to be confirmed," in line 8 of said page.

SIMPLE RESOLUTION.

By Senator Kellie:

Whereas, It is desired by the authors of Senate bill No. 28 that same be withdrawn from the committee to which it was referred and from the calendar by reason of the fact that another bill has been introduced to effect the purpose for which the original bill was offered; therefore be it

Resolved, That Senate bill No. 28 be withdrawn and returned to its authors.

KELLIE,
STOKES.

The resolution was read and adopted.

SENATE BILL NO. 66.

On motion of Senator Watson, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 66, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Cofer. Holsey.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

Senate bill No. 66, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform

the jurisdiction of the district court said county to said change; to fix time of holding court, and to repeal laws in conflict with this act, and declaring an emergency."

The committee report, which proposed that the bill be not printed, adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, constitutional rule requiring bills to read on three several days was pending and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent—Excused.

Real.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Harper. Weinert.
Ward.

Absent—Excused.

Real.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 50.

On motion of Senator Hume, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 50, by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent—Excused.

Real.

The Chair laid before the Senate, on third reading,

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties."

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent—Excused.

Real.

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

Action recurred on Senate bill No. 8, Section 28 being taken up.

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill, page 17, line 19, by striking out Section 28, and in lieu thereof, insert the following:

Section 28. No bond for cost or bond on appeal or writ of error shall be required of the State Board of Health or other State official in any action brought or maintained under this act.

Section 29 was then taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting a comma for the period after the word "health," in line 21, page 18, Section 29, and add the following words: "Which cause shall be tried in the district court of the county in which such city health officer resides."

ALEXANDER,
WILLACY.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by adding after the word "officer," in line 31, page 18, the following: "Unless such charges are shown to be untrue and are not sustained."

ALEXANDER,
WILLACY.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "now," in line 24, page 17, the following words: "Or hereafter."

Section 30 was taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 30, after the word "State," in line 12, page 19 of the printed bill, and inserting a period for the comma.

ALEXANDER,
WILLACY,
HAYTER.

(Lieutenant Governor Davidson in the chair.)

There being no other amendments to Sections 31 and 32, Section 33 was taken up.

Senator Willacy offered the following amendment, which was read and adopted: Amend by striking out all of Section 33, and to renumber Section 34 so as to read Section 33.

WILLACY,
ALEXANDER,
HARPER.

There being no other amendments by sections, the Chair so stated, and

Senator Willacy offered the following amendment, which was read and adopted: Amend by inserting after the word "State," in line 28, page 6 of the printed bill, the following: "As provided herein."

Senator Willacy offered the following amendment, which was read and adopted: Amend by striking out all after the word "State," in line 30, page 2 of the printed bill, down to and including the word "year," in line 32 of said page.

Bill read second time, and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent

Murray. Weinert.

Absent—Excused.

Real.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Harper.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.
Greer.	Masterson.

Mayfield.
Meachum.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.

Terrell of
Terrell of M
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—2.

Hume.

Murray.

Absent—Excused.

Real.

Senator Harper moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

Senator Harper here moved that the bill, as amended, be printed in Journal of today.

The motion was adopted.

Following is the bill in full:

A BILL

To be entitled

An Act to carry into effect Article Section 16 of the Constitution of State of Texas in relation to a Texas State Board of Health and Vital Statistics Department; to abolish the present Department of Public Health and Vital Statistics; to create Texas State Board of Health; to provide for the appointment and organization of said Board, and the names of its officers; to provide for the designation by the Governor of one member of said Board as State Health Officer; to provide for the operation and maintenance of the State quarantine service; to define the qualifications of the members, officers and employees of the State Board of Health; to fix their salaries, and provide for office quarters and appliances of said Board; to define the status of said Board with relation to courts of the State, to confer upon said Board discretionary powers concerning the defining and investigating nuisances detrimental to the public health and the investigating and regulating of water supply and other investigations necessary concerning matters of public health and sanitation and quarantine and for general discretionary powers concerning matters of public health and sanitation; and to delegate to said Board under the police powers of this State authority to prepare, adopt, enact, promulgate and put

into effect rules and regulations and requirements governing the promotion and protection of public health and safety, such rules and regulations to be incorporated into what shall be known as a sanitary code for Texas; to prescribe penalties within certain limits for the violation of the rules and regulations specified by said code; to define the duties of the courts of this State with respect to the enforcement of obedience and to the process of said Board; to define the duties of the court with respect to compelling obedience and respect of witnesses when summoned to testify before said Board; providing for compelling attendance by said Board of witnesses in an investigation involving the exercise of the discretionary powers of said Board, and declaring that any witness falsely testifying before said Board shall be guilty of perjury; to confer upon the officers, members and inspectors of said Board power of peace officers with power to make arrests for violation of the sanitary code and the health and sanitary laws of the State; to define the duties of the courts of the State relative to the enforcement of the law, rules, regulations and ordinances of the sanitary code of Texas; to define the duties of all peace officers of the State relative to apprehending and arresting offenders against said sanitary code for Texas; to confer upon said Board power and authority to revise and amend the sanitary code for Texas, and to provide a method for promulgating and enforcing such amendments and revisions; to abolish the office of county physician in the several counties of this State, and to create and define the office of county health officer instead, and to define the powers of said county health officers, and to prescribe penalties for neglect of duty on the part of said county health officer; to abolish the office of city physician within this State in the several incorporated cities and towns, and to create instead the office of city health officer; to define the qualifications and duties of city health officer, and the method of appointment to office, and a method of removal from office, and prescribing penalties for neglect of duty on part of city health officers; providing for annual conferences of county health officers and city health officers; to provide that all members, officers and inspectors of the State Board of Health may accept free transportation

from transportation companies within the State; to repeal all laws and parts of laws in conflict with this act, and to declare an emergency.

Section 1. That the Department of Public Health and Vital Statistics as now existing under the laws of this State is hereby abolished, and that there be created and established in its stead a State Board of Health, to be officially designated as Texas State Board of Health, which shall consist of seven members, at least five of whom shall be legally qualified practicing physicians within the State of Texas, of good professional standing, and who shall be graduates of legally constituted medical colleges, to be appointed biennially by the Governor, and as soon as practical after the passage of this bill, and thereafter on or before the tenth day of May following his inauguration. One member of said Board, who shall be appointed by the Governor and confirmed by the Senate, shall be designated by the Governor as State Health Officer, and he shall be a member of the Board, and its president and executive officer.

One member of said Board shall be the State Dairy and Food Commissioner, and one member shall be the chairman of the State Live Stock Sanitary Commission as now or as may be hereinafter provided for by law, which said two members shall respectively be the head and executive officer of his own department and shall perform the duties now encumbered upon the Dairy and Food Commissioner, and the chairman of the Live Stock Sanitary Commission; but otherwise the existing laws with respect to these two departments are hereby continued in force.

Providing, that in case there should at any time be a difference of opinion regarding the nature and extent of cooperation desirable between the various departments represented on the Board, then and in that event the majority vote of the members of the Board of Health shall decide the policy to be pursued in all matters affecting the duties of the Live Stock Sanitary Commission and the Pure Food Commissioner, the decision of such officers shall be supreme, and their present powers and duties shall not, be in any manner interfered with, except that in matters affecting the health of the human race, the rules and regulations of the Board of Health shall be enforced by such officers.

The members of said Board shall hold their office for a term of two years, and

until their successors shall be appointed and qualified, unless sooner removed for cause.

Sec. 2. The president of said Board shall receive an annual salary of \$3000. The other four members of said Board, exclusive of the State Dairy and Food Commissioner and the chairman of the Live Stock Sanitary Commission shall receive no salary, but each of said four members shall be allowed for each and every day he shall be in attendance upon the meetings of the Board the sum of \$10, including the time spent in transit, and 3 cents per mile going and coming for actual expenditures, to be paid on their vouchers when approved by the president of the Board and the Governor, by warrant drawn upon the State Comptroller against the general appropriation provided by law for that purpose.

Sec. 3. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall meet at Austin on the first Tuesday after appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the board, or as often and at such time and places as such meetings shall be deemed necessary for the board. Timely notice of such meetings shall be given to each member of the board by the president thereof. The board shall be convened on call of the president, or on demand of three members of said board made in writing to the president. The office of said board shall be in the Capitol at Austin, and the said board shall be furnished with all necessary equipment and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other offices of the State are furnished, including suitable rooms for its offices and laboratories, necessary for carrying on the work of the board, and to be provided in the Capitol building or other suitable buildings to be designated by the Governor.

Sec. 4. The president of the Board shall appoint, with the approval of the Governor, such officers and assistants as may be authorized and provided for at each biennial session of the Legislature.

Sec. 5. All members of the Board, its officers and inspectors may accept free transportation from railroads and public transportation companies while engaged in performance of their official duties; provided, no mileage shall be collected from the State when free transportation is furnished.

Sec. 6. Members of the Board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within the State. Upon presentation of oaths and their certificates of appointment by the Governor, the Secretary of State shall issue commissions to them under the seal of the State, which shall be evidence and be authority to such members of the Board.

Sec. 7. The president of the Board shall execute bond in the sum of \$10,000, with two or more good and sufficient sureties, payable to the Governor, and his successors in office, conditioned on the faithful performance of his duties, to be approved by the Governor and filed in the office of the Secretary of State.

Sec. 8. The president of the Board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with authority to declare and enforce quarantine, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

Sec. 10. The State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of this State, provided herein. It shall make a study of the causes and prevention of infectious and contagious diseases within the State, and, except as otherwise provided in this act, shall have direction and control of all matters of quarantine regulations and enforcement and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State and to suppress same and prevent their spread.

Sec. 11. Power is hereby conferred on the Texas State Board of Health to prepare a sanitary code to be known as the "Sanitary Code for Texas," which shall provide rules and regulations for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic condition within this State, for the suppression and prevention of infectious and contagious diseases, and for proper enforcement of quarantine, isolation and

control of such diseases; which said code, when so made, adopted, approved by the Governor, published and promulgated, shall have the force of law in all respects as far as relates to the following subjects:

(a) In the management of quarantine and disinfection with respect to all contagious, infectious diseases and exposures.

(b) In the government of quarantine and disinfection of all pestilential diseases, such as bubonic plague, Asiatic cholera, leprosy, typhus and yellow fever.

(c) For the inspection, sanitation and disinfection of all railway coaches (including interurban cars), sleeping cars, street cars, waiting rooms, toilet rooms in cars and stations, depots and stations; the regulations for the proper protection of the public water, ventilation and heat supplies in such places, and the sanitary conduct and condition of all persons within such places.

(d) Governing the reporting by physicians and health officers of the presence in any locality of all contagious and infectious diseases.

(e) Governing the manner and method of collecting and reporting all vital and mortuary statistics, including reports of births and deaths, designating to whom and by whom such report shall be made and the form of same.

(f) Governing the preparation for transportation of dead bodies.

Provided, that said Texas State Board of Health shall prepare and adopt at such time as they may deem proper and expedient an "Advisory Supplement" to such "Sanitary Code for Texas" which shall contain rules and regulations on the following subjects:

(1) Prescribing and fixing the standard for disinfectants; requiring employment of disinfectants of proper quality and standard for the disinfection of all premises as directed by the board.

(2) Regulating the proper sanitary disposition of sewerage, garbage and offal, and the proper drainage of unsanitary premises.

(3) Governing the proper interment and disinterment of dead bodies.

(4) Regulating the examination and inspection both ante mortem and post mortem of all animals which may be intended for supplying food products or meat for human consumption; regulating and governing the protection of the public with reference to the sale and use of diseased animals for producing food products or meat; the manner of feeding to animals designated for pro-

ducing food products for human consumption; all offensive or disease-producing food stuffs; regulating the inspection, examination and management of all dairy cows and herds for the purpose of controlling and suppressing tuberculosis and other diseases liable to be communicated from animal to man.

(5) Regulating the sanitary condition of slaughter houses, meat markets and dairies.

(6) Rules and regulations for the sanitation and disinfection of public buildings; provided, that a public building is hereby declared to be any building owned by the State or any county or any city school building, college or university of any class, any dance hall, music hall, saloon, fire hall, skating rink, theater, theatorium, moving picture show, circus, pavilion, office building, hotel, lodging house, restaurant, lecture hall, place of public worship or any building or place used for the congregation, occupation or entertainment, amusement or instruction of the public.

Provided, that such "Advisory Supplement" to said "Sanitary Code for Texas" shall be advisory only. It shall be the duty of all city and county health officers, members of city councils, city and county commissioners to so operate at all times with the Texas State Board of Health in enforcing the rules and regulations contained in such "Advisory Supplement," and any city or town in this State may by a majority of its city council or commissioners and whenever the subject matter relates to the public schools with the approval of a majority of the members of the school board of such city or town, adopt such advisory supplement, and the rules and regulations therein contained shall thereafter have the full force and effect of law in such city or town; provided, that the commissioners court of any county in this State may by a majority vote adopt said "Advisory Supplement" to the "Sanitary Code for Texas" and thereafter the rules and regulations contained in such "Advisory Supplement" shall have the full force and effect of law outside of all incorporated cities and towns in such county.

(7) Rules and regulations to govern and control the conduct and operation of markets, peddlers' wagons, and all other places and methods of exposure for sale of meats, fish, poultry, game, fruits, vegetables and all perishable articles of food exposed for sale, and to regulate the time and method of such exposure, and to prescribe and limit

methods for the preservation of such articles of food, and to prohibit the doing of any act or the use of any method with respect thereto, which said board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department.

Any person who shall violate any of the rules and regulations contained in the "Sanitary Code for Texas" as embraced in subdivisions a, b, c, d, e and f of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 and not more than \$1000.

Any person who shall wilfully violate any of the rules and regulations contained in the "Advisory Supplement" to the "Sanitary Code for Texas," embraced in subdivisions 1, 2, 3, 4, 5 and 6 of Section 11 of this act, when same shall have been adopted by the city or county in which said person shall have violated such rules and regulations, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5.00 and not more than \$200.

It shall be the duty of the said Texas Board of Health to investigate and to provide for the removal of known causes of disease; to provide for the extermination of obnoxious and hurtful insects, vermin and rodents when necessary to prevent and suppress disease.

For the compilation and preparation of such code, it shall be the duty of the board to consult authorities and make investigations relative to the most approved modern sanitary codes and spare no pains to make the same complete in the light of modern science.

On adoption of the said code by votes of a majority of the members of the board, and approved by the Governor, it shall be published at length for one time in the official monthly bulletin of the State Board of Health, and at least three times for three consecutive weeks in three daily newspapers of the State, after which adoption, approval and publication, it shall become operative and have the absolute force of law, and any person who shall violate any of the rules and regulations in said sanitary code after its adoption and publication as above provided for shall be deemed guilty of a misdemeanor and upon conviction shall be fined as herein prescribed.

And it is hereby made the duty of the several courts of this State having juris-

isdiction over such offenses, accord the grade thereof, to enforce and into effect each and all of the rules and regulations as promulgated in said "Sanitary Code for Texas," when they have the force and effect of law as provided herein, and to impose and penalties in the amounts therein specified from all persons found guilty of violations thereof.

There shall be printed by the board and by it published in pamphlet form a sufficient number of copies of the "Sanitary Code for Texas" for distribution to the public. Copies shall be furnished free upon application to county municipal health authorities, boards of health, mayors, members of city councils, city commissioners and judges and clerks of courts. Copies of said code shall be furnished by the board upon application to any person applying therefor and paying a nominal sum, to be fixed by the board, to cover cost of publication and transportation of same.

Provided, this act shall not be construed to repeal any of the laws of the State now in force affecting the public health, but shall be construed to be cumulative to said laws, and the Board of Public Health is hereby authorized to promulgate rules and regulations for all laws relating to the public health now in force in this State.

Sec. 12. Power is hereby conferred upon the Texas State Board of Health to further revise and amend said sanitary code for Texas at any time they may deem proper and expedient; provided, that such revision and amendment shall come within the scope of the power herein conferred upon the board for enacting the original code.

Sec. 13. It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State Health Officer, and whenever State Health Officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

Sec. 14. Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the board, of the violation of any public health, sanitary or quarantine law of the State, and such member, officer or inspector may so arrest such offenders without warrant

when the offense is committed within the presence or sight of such member, officer or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State Rangers and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances or laws or the sanitary code for Texas as it may be adopted by said board, or for violation of any public health, sanitary or quarantine laws of the sanitary code for Texas as it may be adopted by said inspectors and officers of said board to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances and laws of the sanitary code for Texas when adopted, published and promulgated by said Board of Health, as provided in this act when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

Sec. 15. The members of the Board of Health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect and view all grounds, public buildings, factories, slaughter houses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants and all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations and ordinances of the sanitary code of Texas after it has been adopted, promulgated and published by the board for the enforcement of any and all health laws, sanitary laws or quarantine regulations of this State.

Sec. 16. The members of said Board of Health and its officers are hereby severally authorized and empowered to administer oaths and to summon witnesses and compel their attendance in all matters proper for the said board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said board and

its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due observance of this act, and in the event any witness summoned by said board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such board, officer or member, such person shall be punished by the district court of the county in which such witness is summoned to appear as for contempt of said district court.

Sec. 17. Any witness when summoned to appear before said board who shall falsely testify as to any matters proper for the determination of any question which the board may be investigating shall be deemed guilty of perjury, and shall be punished as provided by law for the offense of perjury.

Sec. 18. Be it further enacted that the office of county physician shall be abolished within the several organized counties of this State, and that instead the office of county health officer is hereby created in each organized county within this State.

Sec. 19. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

Sec. 20. It is hereby made the duty of the commissioners court by majority vote of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years and until his successor shall be appointed and qualify, unless sooner removed for cause; provided, however, that in all counties where there is a duly appointed and acting county physician heretofore appointed the county judge shall appoint such county physician as county health officer. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Texas State Board of Health, and until such copies are so filed said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners court; provided, that no compensation or salary shall be allowed except for services actually rendered.

Sec. 21. The office of city physician for the several incorporated cities and towns within this State is hereby abol-

ished, and instead created the office of city health officer.

Sec. 22. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

Sec. 23. It is hereby made the duty of the city council or the city commissioners, as the case may be, of each incorporated city and town within this State to elect a qualified person for the office of city health officer by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city health physicians, in which event the office of city health officer shall be filled as is now filled by the city physician, but in no instance shall the office of city health officer be abolished.

The city health officer, after appointment, shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

Sec. 24. In case the authorities hereinbefore mentioned shall fail, neglect or refuse to fill the office of county or city health officer as in this act provided, then the Texas State Board of Health shall have the power to appoint such county or city health officer to hold office until the local authorities shall fill such office, first having given ten days' notice in writing to such authority of the desire for such appointment.

Sec. 25. Each county health officer shall perform such duties as has heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine and other such duties as may be lawfully required of the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians, and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish,

maintain and enforce quarantine in his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease, prevention and suppression, vital and mortuary statistics and general sanitation within his county, and he shall at all times report to the State Board of Health in such manner and form as it shall prescribe the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of its proper rules, regulations, requirements and ordinances and in the enforcement of sanitary laws and quarantine regulations within his jurisdiction.

Sec. 26. In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State Board of Health, and pending charges for removal said county health officer shall not receive any salary or compensation, which cause shall be tried in the district court of the county in which such county health officer resides.

Sec. 27. In the event any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this act, the State Board of Health shall file charges with the commissioners court for the proper county specifying wherein such officer has failed in the discharge of his duties, and at the same time the State Board of Health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary, or allowance to said county health officer, and pending such protest and charges, it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees or allowances on account of his office, unless such charges are shown to be untrue and are not sustained. After five days' notice in

writing to said county health officer the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented. Either party, the State Board or the county health officer, may appeal from the decision of said court to the district court of said county, and pending such appeal no salary, fees or allowance shall be paid to said county health officer for any subsequent earned salary, and in the event the charges shall be sustained, the said county health officer shall be charged to pay all costs of court, and shall forfeit all salary, fees and allowances, earned subsequent to the date of filing the charges and protests.

Sec. 28. No bond for cost or bond on appeal or writ of error shall be required of the State Board of Health or State officials in any actions brought or maintained under this act.

Sec. 29. Each city health officer shall perform such duties as may now or hereafter be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and the president thereof. He shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease, prevention and suppression and sanitation within his jurisdiction. He shall at all times report to the State Board of Health in such manner and form as shall be prescribed by said Board of Health the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State Board of Health shall direct touching all such matters as may be proper for the State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of proper rules, regulations and requirements in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection,

and perform such other duties as said State Board of Health shall direct.

In all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said Board of Health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office and shall subject said city health officer to removal from office at the relation of the State Board of Health, which cause shall be tried in the district court of the county in which such city health officer resides.

In the event of a failure or refusal of said city health officer to properly discharge his duties of his office the State Board of Health shall file charges against said city health officer with the council or city commission of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment to said city health officer of further fees, salary or allowance, and pending such charges and protest no further salary, fees or allowance shall be paid to said city health officer, unless such charges are shown to be untrue and not sustained. After five days' notice in writing to said city health officer the charges shall be heard before the mayor and council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be represented, and either the city health officer or the State Board of Health shall have the right of appeal to the county court of the county in which the city or town is situated, and if said charges be sustained said city health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees and allowance accrued subsequent to the date of filing of the charges and protest originally and which may be due him on account of his office.

Sec. 30. The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State.

Sec. 31. There shall be an annual conference of county health officers and city health officers of this State, at such time and place as the State Board of

Health shall designate, at which conference the president or some member of the said State Board of Health, shall preside. The several counties, towns and cities may provide for and pay the necessary expense of its county health officer or city health officer for attendance upon said conference.

Sec. 32. In all matters wherein the Board of Health shall invoke the assistance of the courts, the action shall run in the name of the State of Texas, and the Attorney General shall assign a special assistant to attend to all legal matters of the Board, and upon demand of the Board it shall be the duty of the Attorney General to promptly furnish the necessary assistance to the Board to attend to all its legal requirements.

Sec. 33. The fact that there is now no uniform and efficient law for the suppression and prevention of disease within this State, other than that of foreign origin, and no effective system for preserving, tabulating and utilizing the vital and mortuary statistics of the State and for the appointment of local health officers, creates an emergency and imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

PERSONAL PRIVILEGE.

Senator Senter here arose to a question of personal privilege, and at the conclusion of his remarks he moved that same be printed in the Journal of today.

Pending discussion on the above motion, Senator Hudspeth amended the motion to print the remarks in the Journal by adding that 10,000 copies of the Journal be printed for the use of the Senators.

Senator Murray moved the previous question on both of the above motions, which motion being duly seconded, was so ordered.

Senator Terrell of Bowie called for a division of the question.

The motion to print the personal privilege matter by Senator Senter in the Journal was put first, and the motion was adopted.

Senator Hudspeth then withdrew his motion to print 10,000 extra copies of the Journal.

Following is the personal privilege remarks by Senator Senter:

Mr. President and Gentlemen of Senate:

In reply to several requests th should make some further statemen reference to the facts and circumsta connected with the expulsion of Thomas I have stated that I regai my duties here as of paramount impa nce, and that I had no desire whate to interfere in the contest now pend in the Second Senatorial District. attitude with respect to this, as w respect to every other matter connect with the proceedings of this body, h been that it was sufficient for me to pe form my duty as I understood it a to leave the consequences to take care themselves. Inasmuch, however, as M Thomas has issued a circular which ha just been brought to my attention i which he has seen fit to connect m name with his divers and sundry at tacks upon the members of this body and to eject into his campaign a state- ment wholly without foundation touch- ing my course with reference to his ex- pulsion, I deem it to be my duty in the interest of truth and decency, as well as a duty of candor that I owe to the people of my own district, of whom I am but the representative, to make plain and permanent record of the facts touching this particular statement of Mr. Thomas.

I quote from a circular addressed "to the voters of the Second Senatorial Dis- trict," and signed "yours for honesty in public office, H. Bascom Thomas." The particular matter to which I shall call the attention of the Senate reads as follows: "The day I was expelled we reached that point in our deliberations when I was asked for these names, a few minutes before Senator Cofer had asked the President that if I should name these men if they would be al- lowed to vote upon my expulsion to which he answered in the affirmative. A recess of a few minutes was taken and a statement was drawn up setting out the charges heretofore mentioned, and which could have proven satisfactorily to the citizens of Texas, but which Sena- tor Cofer thought would not be ac- cepted by the Senators. My friends ad- vised me to go no further and there we rested the case, being convinced that if these names were given these Senators and their friends would vote for my ex- pulsion should I attempt to prove them guilty of corruption. A few minutes before my expulsion Senator Senter asked if I would promise not to refer to any of these charges after the Legis-

lature adjourned. I refused to make such a promise."

It would be impossible for the most mendacious imagination that ever afflicted a human frame to conceive a statement which contains as little of truth as this. The facts are not wholly a matter of record, and hence it is proper that they should now be put of record. Up almost to the very minute of his last sensational exploit, I was endeavoring with such little influence as I could command to protect the Senator from Hopkins county from the just consequences of his own folly, to use the very lightest term by which his conduct could properly be characterized. When he made his sweeping charges of corruption against the members of this body I confess that I was startled, and supposed that he had some proof to offer against somebody, for it did not enter my mind that any person could be so reckless as to stand up in a legislative assembly composed of representatives from the whole body of the people of Texas and declare that he had knowledge of corruption upon the part of some members of that body without having a single fact at his command to support such charges. As every member of this body knows, I not only stood ready to back Mr. Thomas in his effort to prove up his charges, but I was ready to stand upon the floor and assist in the punishment of the guilty man, if he could adduce proof of guilt. A committee of investigation was appointed, one member of which was named by Mr. Thomas, and, as I understood the matter, the proceedings were conducted with a desire to afford him every opportunity to offer evidence. It is a matter of record here that he tendered no evidence whatever which would have supported any charge which reflected upon any member of this body.

When Mr. Thomas was first called to book in this body on account of his constant reiteration of unsupported charges against its membership, and after he had rushed from time to time into print with declarations for which he might have been properly arraigned before the bar of the Senate in a contempt proceeding, it became manifest that the patience of the membership of the Senate was well nigh exhausted, and, as is a matter of public record, action was taken which at one time threatened to result in his expulsion. Believing at the time that he was to some extent the victim of a disordered imagination and was possibly not responsible for his own

acts, and accepting the assurances of his avowed friends that he did not understand the meaning of words and terms and did not know what he was doing, I joined in a movement to prevent his expulsion. A conference was held just before the Senate then acted in which several Senators participated, among them Senator Brachfield, Senator Sturgeon and myself. As a result of our efforts, and of others, every man animated by a spirit of kindness toward Mr. Thomas, he signed what was proposed and represented by him to be, and represented by us, acting as his friends, to be a retraction of his charges against the membership of this body. It is a matter of record that the Senate accepted that retraction in a spirit of cordiality and it was the general understanding voiced on the floor of the Senate in proceedings in which Mr. Thomas participated with great unctious that we were to hear no more of the charges against the membership of this body, which Mr. Thomas then publicly admitted to have no support and touching which, as every one knows, he had offered not a single scintilla of evidence. Every man who has any sense of honor will comprehend my own amazement when but a day or two after this proceeding I read a statement in the press signed by H. Bascom Thomas declaring that he had made no retraction and renewing the wholesale charges, for which he had theretofore been arraigned in the Senate. Then and there I parted company with Mr. Thomas, and I desire to make a record here of the declaration that under such circumstances I part company with any man.

I took no interest thereafter in Mr. Thomas, or in any of his performances, because I found quite enough of public matters of an urgent nature demanding my attention here to consume all of my time. I should have remained indifferent to these performances if he had confined himself to the crusade in the public press, to which the principal part of his time and attention, as far as I could see, was given, if he had not persisted in blockading the proceedings of this body with his interminable charges and insinuations. When this culminated in the resolution to expel him, I was present in one of the committee rooms where most of the members of the Senate gathered and talked over this matter. Among those who were there was the Senator from Navarro, Mr. Holsey, who opposed the expulsion of Mr. Thomas, and who declared that he had

no doubt that Thomas would sign a full and complete retraction of all charges of corruption he had continuously repeated against the membership of this body, and that, as a matter of expediency, it was best to accept such retraction. After my own experience as a volunteer champion of Mr. Thomas, I was somewhat wearied of accepting at their face value his retractions. I then suggested that he had signed one retraction in order to avoid the penalty for his misconduct, and had immediately retracted his retraction. I shall not undertake to quote the language of the Senator from Navarro, but the substance of it was that he was confident that Mr. Thomas would tender full and ample apology for his unfounded reflections upon the membership of this body. Bearing in mind all of these facts which I have related, it will be understood why I thought it proper after having been chosen by the Senate to interrogate Mr. Thomas, to inquire of him the real purport of the last document which he signed and tendered as a retraction of his repeated charges. In a communication to the press, which had been published but a day or two before, he used this language:

"Every honest man in Texas, including members of the Senate, knows my charges to be true, and in a short time I will publish in pamphlet form a detailed report of the investigation, so that the people will know something of the graft, rottenness and corruption that prevails among the so-called representatives of the people. The Senate this afternoon would not have permitted me to discuss that report and the facts disclosed before the investigation for half this capitol, for my remarks would have forever sent to their political graves several men of prominence connected with the Senate."

In the statement sent up by Mr. Thomas and incorporated in the Journal as his second retraction he used this language:

"Sometime back I arose to a point of personal privilege and called the attention of the Senate to what I thought to be a violation of the anti-lobby law, and since which time I have given out interviews to the press and made other statements on the floor of the Senate, some of which interviews and statements made by me, the members think, reflect upon their honesty and integrity; and such not being my intention, I think it proper and fair to all concerned to make the following statement:

"I wish to state that I absolutely know of no member of this Senate engaging in anything within this Capitol that is dishonest or disreputable in any particular, and when I said in an interview given out by me that there was a scandal in which some members of the Legislature were connected, I did not mean to convey the idea that there had been any scandal of any kind in the Capitol so far as the Senate is concerned, but had reference to some unlawful gambling, to-wit: Poker playing in certain places in Austin in which some members of the Legislature were engaged."

It will at once appear to every candid mind that these two statements, the last of which closely followed the first, are irreconcilable. My final question to Mr. Thomas was in effect to ask whether he stood upon the first or upon the last of such statements.

In the investigation which was conducted upon the floor of the Senate, every opportunity was offered to Mr. Thomas to prefer charges and to offer testimony. He was invited and urged to make any charge upon which he could offer any evidence tending to incriminate any member of this body, and all of the machinery of the Senate was put at his command to collect testimony. Every member of the Senate who was present concurred in a request, evidenced by a vote, that he should present to the Senate any fact or circumstance which he might know tending to show corruption upon the part of any member of this body. After he had stated that he had nothing more to say, no facts to disclose, no charges to make and no testimony to offer, he was asked if the investigation had been fair and complete, and he declared upon the floor of the Senate in the affirmative. In the presence of this body he declared that he could not offer a single witness or present a single fact to corroborate either of the many declarations he had made against the membership of this body as a whole. I then put to them an inquiry, the object of which was to ascertain whether he intended to do as he had done before and again retract his retraction. He had declared here in the presence of the Senate at the conclusion of his first performance, that he had no proof, no witnesses, that he was without a single proof for his protracted crusade of slander, and in the face of these admissions he had rushed out before the public and renewed the declaration that this body was honey-combed

with intrigue and scandal. I believed then, and I believe now, that it was proper for the Senate and the public to know whether Mr. Thomas was sincerely seeking to bring about the disclosure of graft and corruption, or whether he was engaged in a sensational fanfaronade, having no other purpose than to raise a dust and to keep his name before the public. I deem it proper to make this full explanation as a predicate to the declaration that I now make in the presence of the Senate as one which I desire to go into the record, which is that the suggestion that I sought to exact a promise from Mr. Thomas that he would agitate no further his charges against the membership of this body in return for the implied promise to shield him from punishment by this body is a wilful and deliberate falsehood by whomsoever made, and could only be made by one incapable of telling the truth unless he had some personal or financial end to gain by telling it. This much I deem it my duty to say in justice to all the membership here, whether they joined in the resolution of expulsion, or whether they merely voted to censure the Senator from Hopkins county for his misconduct.

Having said this much, it may be admissible to indulge in one reflection concerning this episode. It will be a sad day for Texas whenever graft and corruption shall exist in one of its legislative assemblies and no member can be found there strong and brave enough to declare the truth. It will be a sadder day for Texas whenever an irresponsible mischief-maker and scandal monger can, without a scintilla of truth at his back, sow down the State with charges of corruption, refuse when called upon to produce one witness, one circumstance or one fact to support his charges, back away from the trial of his charges, and then meet the approval of any considerable number of our people. We should be admonished by that suggestive story in the old Blue Back spelling book "that constant iteration of vain and false soon bring about a condition of the public mind akin to disgust," and that it is as important that the people's confidence in faithful officials should not be shaken, as it is that the unfaithful should be sternly punished. If there be a greater offender against the public welfare than the public servant who filches the dollar which belongs to the public treasury, it is that creeping, crawling thing which insults God's sunshine with its slime and casts a trail of poisonous scandal wher-

ever it crawls. There is no fit place but the penitentiary for the public servant who is corrupt. There is no place under the canopy of heaven where a reckless and mischievous scandal monger should find room and welcome.

REFUSE TO ADJOURN.

Senator Veale moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—6.

Brachfield.	Terrell of
Bryan.	McLennan.
Stokes.	Veale.

Nays—22.

Adams.	Murray.
Alexander.	Paulus.
Cofer.	Peeler.
Harper.	Perkins.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Greer.

Absent—Excused.

Real.

The Chair laid Senate bill No. 6 before the Senate, and Senator Sturgeon moved that the Senate recess until 3 o'clock today, and

Senator Mayfield moved, as a substitute, that the Senate recess until 2:30 o'clock today.

Action being on the longest time first, the motion to recess until 3 o'clock was lost by the following vote:

Yeas—10.

Brachfield.	Mayfield.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.

Nays—18.

Adams.	Hume.
Alexander.	Kellie.
Harper.	Masterson.
Hudspeth.	Meachum.

Murray.
Paulus.
Peeler.
Perkins.
Terrell of Bowie.

Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Greer.

Absent—Excused.

Real.

The motion to recess until 2:30 o'clock today was lost.

SENATE BILL NO. 6.

The Chair laid before the Senate on second reading and pending business,

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter 11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justices of the peace, and repealing all laws and parts of laws in conflict herewith."

There being an adverse majority committee report and a favorable minority committee report,

Senator Brachfield moved the adoption of the minority committee report, and

Senator Harper moved, as a substitute, the adoption of the majority committee report.

Senator Harper moved the previous question on the above two motions, which, being duly seconded, was so ordered by the following vote:

Yeas—17.

Adams.
Alexander.
Harper.
Hudspeth.
Hume.
Kellie.
Masterson.
Meachum.
Murray.

Peeler.
Perkins.
Terrell of Bowie.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—11.

Brachfield.
Bryan.
Cofe.
Hayter.

Holsey.
Mayfield.
Paulus.
Senter.

Stokes.
Sturgeon.

Terrell of McLennan.

Absent.

Greer.

Absent—Excused.

Real.

Action recurred on the substitute motion first, and the same was adopted by the following vote:

Yeas—16.

Adams.
Harper.
Hume.
Kellie.
Masterson.
Meachum.
Murray.
Paulus.

Peeler.
Perkins.
Terrell of Bowie.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—12.

Alexander.
Brachfield.
Bryan.
Cofe.
Hayter.
Holsey.

Hudspeth.
Mayfield.
Senter.
Stokes.
Sturgeon.
Terrell of McLennan.

Absent.

Greer.

Absent—Excused.

Real.

The adoption of the majority committee report killed the bill.

INVITATION TO ATTEND DANCE.

Senator Peeler, on behalf of Dr. Preston, Superintendent of the State Insane Asylum, extended to the Senators, their families, officers and employees of the Senate and their families, to attend an old-fashioned dance at the asylum on next Tuesday night at 8 o'clock. Senator Peeler assured all that the entertainment would be enjoyable.

The invitation was accepted by a rising vote.

ADJOURNMENT.

On motion of Senator Alexander, the Senate, at 2 o'clock p. m., adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 17, A bill to be entitled "An Act to amend Article 1407, Chapter 19 of Title 30, Revised Civil Statutes of Texas, 1895, relative to appeal bonds on any appeal or writ of error, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 73, A bill to be entitled "An Act to amend Article 942, Chapter 2 of Title 27 of the Revised Statutes, regulating the prosecution of writs of error to the Supreme Court, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by inserting between the word "rehearing," in line 19, page 1, and the word "application," in line 21, page 1, the following: "If such motion is filed in the Court of Civil Appeals; but if the party desiring to apply for a writ of error does not wish a rehearing in the Court of Civil Appeals, it shall not be necessary for such party to file a motion for rehearing in the Court of Civil Appeals as a predicate for a petition for writ of error to the Supreme Court; and if no motion for a rehearing is filed in the Court of Civil Appeals, then the petition for writ of error shall be filed with the clerk of the Court of Civil Appeals within thirty days after the filing by the Court of Civil Appeals of its findings of fact and conclusions of law. And upon the filing of a petition for writ of error, the clerk of the Court of Civil Appeals shall

note upon his record the filing of said—"

And by inserting between the words "the" and "opinions," in line 23, page 1, "opinion or."

And by inserting between the words "motion" and "filed," in line 24, page 1, the words "if any."

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 16, A bill to be entitled "An Act to amend Article 1019, Title 27, Chapter 16 of the Revised Civil Statutes of the State of Texas, relating to appearance by brief of attorneys for either party in the Courts of Civil Appeals, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 17, A bill to be entitled "An Act to amend Articles 1544 and 1546 of Chapter 2, Title 32 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publications of citations as authorized under Article 1236 of the Revised Civil Statutes of the State of Texas of 1895, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publications of citations as authorized under Article 1236 of the Revised Civil Statutes of Texas of 1895, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

MEACHUM,
COFER.

(Majority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10 of the Revised Civil Statutes with respect to the issuing of writs of attachment and garnishment, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10 of the Revised Civil Statutes with respect to the issuing of writs of attachment and garnishment, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

SENTER.

(Majority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to amend Chapter 5, Title 51 of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to amend Chapter 5, Title 51 of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

WARD.

(Majority Report.)

Committee Room,
Austin, Texas, March 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premiums on fire insurance, and to prevent discrimination therein, and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

(1)

Amend Section 3 of the bill so that it shall hereafter read as follows:

Section 3. There is hereby created a board to be known as the State Fire Rating Board, which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and one member to be appointed by the Governor, who shall be secretary thereof, and one additional member who shall be appointed by the Governor upon the joint nomination and recommendation in writing of a majority of all the companies transacting the business of fire insurance in this State; provided, that if the executive officer of a majority of such companies shall fail to join in the nomination or recommendation of some citizen of this State for such appointment not later than ten days prior to the date when the same is required to be made, the Governor shall have the power to make such appointment regardless of such nomination or recommendation. The members of said board, other than the Commissioner of Insurance and Banking, shall each have had at least five years practical experience in the making of fire insurance rates and inspection of risks, shall be appointed as herein provided within sixty days after this act takes effect for the terms of two years and biennially thereafter, and they shall have the power to decide all questions required, authorized or permitted to be passed upon by said board upon which they shall agree, and in case of disagreement as to any such question, the

decision of the Commissioner of Insurance and Banking thereon shall determine the action of the board. Said members of said board, other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum of \$2500 per annum, and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act the sum of \$500 per annum in addition to his compensation as now fixed by law.

(2)

Amend the bill by adding a new section to be numbered 17, to read as follows:

Section 17. This act shall not apply to mutual or profit sharing fire insurance companies incorporated under the laws of this State, transacting what is known as an inter-insurance business nor to purely co-operative inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premiums on fire insurance, and to prevent discrimination therein, and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

WATSON,
TERRELL of McLennan,
HUDSPETH.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 63, A bill to be entitled "An Act to amend an act to prescribe the time within which statements of facts and bills of exception may be filed in causes tried in the district and county courts of Texas; and to authorize judges whose terms of office have expired to approve statements of facts and bills of exception, and providing that judges also have ten days after adjournment of the term of court at which said cause may be tried to file findings of facts and conclusions of law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend Section 1 by striking out the following words: "May by having an order entered to that effect on the docket be granted," and insert in lieu thereof the following: "Shall be allowed, and is hereby granted."

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act to authorize and empower any party to any cause or his attorney of record, to print or typewrite or cause to be printed or typewritten, the transcript of the record in any cause on appeal or writ of error, and requiring the clerk of the trial court to proofread and certify to the same, and providing for his compensation for the same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 65, A bill to be entitled "An Act to amend Article 3388, Title 69, Revised Civil Statutes of the State of Texas, 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 62, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experimental stations in certain parts of Texas; to provide for proper appropriation therefor and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

MAYFIELD, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 11, A bill to be entitled "An Act to establish four additional State agricultural experiment stations, and providing the ways and means for their maintenance, and the maintenance of farm demonstration work in connection with said experimental stations, and making an appropriation therefor and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

MAYFIELD, Chairman.

(Floor Report.)

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 76, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for

which same shall be held, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Veale, Mayfield, Alexander, Watson, Terrell of McLennan, Stokes.

(Floor Report.)

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 77, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Watson, Stokes, Mayfield, Sturgeon, Terrell of McLennan, Alexander, Senter.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 68, A bill to be entitled "An Act for the establishment of an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twentieth Senatorial District, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 74, A bill to be entitled

"An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, with the following amendment:

Amend the bill, Section 1, line 1, by adding the following after the word "Agriculture": "with the approval of the Governor."

MAYFIELD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 48, A bill to be entitled "An Act amending that part of Title 31 of the Revised Statutes of the State

of Texas which provides for the establishment of a criminal district court for the criminal district composed of the counties of Galveston and Harris, by adding thereto Chapter 3a, providing for a district attorney for said criminal district, and prescribing the duties, powers and compensation of the district attorney for said criminal district, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 52, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Eighteenth Senatorial District, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 67, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Second Senatorial District,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 49, A bill to be entitled "An Act amending Chapter 4 of Title 31 of the Revised Statutes of the State of Texas relating to the establishment of a criminal district court for the criminal district composed of Galveston and Harris counties, by providing for the appointment, duties, qualification and compensation of assistant district at-

torneys for said criminal districts, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

Austin, Texas, March 21, 1909.

To Senator H. B. Terrell, Representative W. C. O'Bryan, Representative John Maxwell, Representative Sam Stratton, Representative A. M. Kennedy.

Sirs: We, the undersigned members of the McLennan County Democratic Convention, which convened in Waco last August, respectfully request you, as our representatives, to vote against the guaranty of bank deposits.

Numerously signed.

By Senator Cofer:

Sherman, Texas, March 24, 1909.

Senator Cofer and Representatives Marshall, Elliott and Aston.

Sirs: We, the undersigned citizens of Sherman and Grayson county earnestly petition you to pass the appropriation bill and adjourn as speedily as possible.

Numerously signed.

Sherman, Texas, March 26, 1909.

Messrs. Cofer, Marshall, Aston, and Elliott.

I got these signatures yesterday evening after court adjourned and send this to you to show there is no real sentiment in this county favoring the Commercial Secretaries' idea of adjourning and coming home. This is a Democratic county and its citizenship believes in the fundamental principles of Democracy (which is honesty in government) and the redemption of every pledge made by party to people.

The people are standing by you in your work there better than I ever saw and are highly pleased with John Marshall's election. Stand pat on platform demands, and the "gates of hell," etc. I am, very truly,

B. F. GAFFORD.

The undersigned Democrats and qualified voters of Grayson county, Texas, believing that our Democratic Legislature should reflect the will and redeem the pledges of the Democratic party made to the people during the recent campaign, hereby request our Senator and Representatives to do their utmost to enact into law every Democratic platform demand.

Numerously signed.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, March 29, 1909.

Senate met pursuant to adjournment,
Lieutenant Governor A. B. Davidson pre-
siding.

Roll call, quorum present, the follow-
ing Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	

Absent.

Brachfield.	Paulus.
Bryan.	Weinert.
Harper.	Willacy.

Absent—Excused.**Real.**

Prayer by the Chaplain, Rev. H. M.
Sears.

Pending the reading of the Journal of
Saturday, on motion of Senator Hayter,
the same was dispensed with.

EXCUSED.

On account of important business:

Senator Willacy for today, on motion
of Senator Watson.

Senator Harper for today, on motion
of Senator Veale.

Senator Brachfield for today, on mo-
tion of Senator Stokes.

Senator Paulus for today, tomorrow
and Wednesday, on motion of Senator
Kellie.

**NOTICE OF DEATH OF HON. L. J.
STOREY.**

Austin, Texas, March 29, 1909.

Hon. A. B. Davidson, Lieutenant Gov-
ernor and President of the Senate.

Dear Sir: We are writing to advise
you that after a brief illness, Hon. L. J.
Storey, chairman of the Railroad Com-
mission of Texas, and formerly Lieuten-

ant Governor of the State and President
of the Senate, died at his home in the
city of Austin on Sunday morning,
March 28th, at about 7 o'clock.

Arrangements have been made for his
burial in the town of Lockhart, Caldwell
county, Tuesday morning, at 11 o'clock.
A special funeral train has been ar-
ranged for, which will leave Austin at
8 o'clock tomorrow morning, via San
Marcos. It is proposed to leave Lock-
hart with this train at 2 o'clock to-
morrow afternoon, March 30th, and re-
turn to Austin, reaching Austin on re-
turn about 4 or 4:30 o'clock.

Arrangements have been made to ac-
commodate members of the Senate, or
any committee which the Senate may
appoint, and for their transportation to
Lockhart and return upon this train.
We will thank you to advise the Rail-
road Commission at the earliest oppor-
tunity the number of Senators who may
care to accompany the remains of Judge
Storey to Lockhart.

Yours truly,
ALLISON MAYFIELD,
O. B. COLQUITT,
Commissioners.

SIMPLE RESOLUTION.

By Senator Kellie:

Whereas, It has pleased Almighty
God, in His infinite love and wisdom,
to call from time to eternity, our beloved
friend and fellow-citizen, Hon. L. J.
Storey; and

Whereas, His life has been devoted
to the interests of the State of Texas,
having always stood ready and willing
to make any sacrifice in the interest
of the people among whom he lived, or
for the interest of his country, as was
evidenced by his prompt action in vol-
unteering to place his services at the
command of the Confederacy during the
Civil War; and

Whereas, He has served the State of
Texas as district judge, Representative,
Senator, Lieutenant Governor and Rail-
road Commissioner; therefore, be it

Resolved, That when the Senate ad-
journs today it adjourn until 10 a. m.
Wednesday morning out of respect to
the dead and that the entire member-
ship of the Senate, of which the Lieut-
enant Governor shall be chairman, con-
stitute a committee to attend the fu-
neral services at the residence of the
deceased at 5:10 o'clock this afternoon,
and to accompany the remains to Lock-

hart for interment, and that we extend to his family our sincere condolence and sympathy for the loss they have sustained and that a copy of these resolutions be spread upon the Journal of the Senate, and that a copy thereof be furnished the bereaved wife.

Kellie, Murray, Hudspeth, Meachum, Watson, Peeler, Masterson, Alexander.

The resolution was read and unanimously adopted by a rising vote.

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 79, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

Morning call concluded.

SENATE BILL NO. 4—REFUSE TO TAKE UP.

Senate bill No. 10, being the pending business, the Chair so stated, and

Senator Senter moved that the pending order of business (Senate bill No. 10) be suspended, and the Senate take up, out of its order, Senate bill No. 4 for the purpose of setting it for a time certain.

Pending discussion on the above motion,

Senator Veale offered the following simple resolution by unanimous consent:

Whereas, The present Special Session of the Thirty-first Legislature is now drawing to a close; and

Whereas, Many important matters submitted by the Governor for the attention of the Legislature are yet to be considered; and

Whereas, It is the desire of many members of the Legislature that the present session end, that they may be allowed to return to their business avocations; therefore, be it

Resolved, That from this time on the Senate take up in their regular order all measures now before this body and finally dispose of them as they are called.

VEALE,
STURGEON.

The resolution was read, and

Senator Watson made the point of order that the resolution sought to change the rules of the Senate, and the change in said rules could not be made in this way and was, therefore, out of order.

The Chair (Lieutenant Governor Davidson) sustained the point of order.

Action then recurred on the motion by Senator Senter to suspend the regular order and take up Senate bill No. 4.

The motion was lost by the following vote:

Yeas—9.

Adams.	Murray.
Hume.	Peeler.
Kellie.	Senter.
Masterson.	Sturgeon.
Meachum.	

Nays—12.

Alexander.	Mayfield.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.

Absent.

Perkins. Weinert.

Absent—Excused.

Paulus. Willacy.
Real.

PAIRED.

Senator Hudspeth (present), who would vote "yea," with Senator Harper (absent), who would vote "nay."

Senator Watson (present,) who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

SIMPLE RESOLUTION.

By Senator Peeler:

Whereas, The Texas Woman's Press Association meet in their annual convention in Austin on May 4 and 5, 1909; therefore, be it

Resolved by the Senate, That the Senate Chamber be and the same is hereby tendered to said association on the dates stated for the purpose of holding therein such convention.

The resolution was read and adopted.

SENATE BILL NO. 10.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing and answer in all cases where the defendant is cited by publication, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	

Absent.

Bryan.	Terrell of McLennan.
Meachum.	Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Senter.
Holsey.	Stokes.
Greer.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.

Nays—3.

Cofer.	Murray.
Masterson.	

Absent.

Bryan.	Terrell of McLennan.
Hume.	Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 11.

The Chair laid before the Senate, on second reading,

Senate bill No. 11, A bill to be entitled "An Act to regulate the procedure in the appellate courts of this State, and to provide for the filing of the original statement of facts as a part of the record on appeal and writ of error in all causes on appeal or writ of error, from all courts, both civil and criminal, with an emergency clause."

(Senator Watson in the chair.)

The bill was read, and

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "court," in line 13, the words "of record," and by adding after the word "courts," in line 18, the words "of record."

SENTER,
MEACHUM,
ALEXANDER.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, line 13, by adding after the word "error," in said line, the words "to the Courts of Civil or Criminal Appeals, or to the Supreme Court."

SENTER,
MEACHUM,
ALEXANDER.

Bill read second time, and ordered engrossed.

Senator Veale moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The roll call developed no quorum voting, the following being the vote:

Yeas—20.

Adams.	Cofer.
Alexander.	Greer.
Bryan.	Hayter.

Holsey.	Senter.
Hume.	Stokes.
Masterson.	Sturgeon.
Mayfield.	Terrell of Bowie.
Meachum.	Veale.
Murray.	Ward.
Peeler.	Watson.

Absent.

Hudspeth.	Terrell of McLennan.
Kellie.	Weinert.
Perkins.	

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Veale moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion was seconded.

The roll was called, which showed a quorum present, the following answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	

Absent.

Hudspeth.	Terrell of
Perkins.	McLennan.
	Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Action then recurred on the motion to suspend the constitutional rule, which motion prevailed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.

Absent.

Hudspeth.	Weinert.
Perkins.	

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

The bill was read, and Senator Senter offered the following amendment:

Amend the bill by adding to Section 1 at the end thereof, the following words: "In the event said statement of facts shall be required for use as testimony in the trial of any cause, it shall be the duty of the appellate court in which the same is filed upon application therefor to make such orders with respect thereto as the applicant may show to be necessary."

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 3, A bill to be entitled "An Act to amend Article 529n of the Penal Code of the State of Texas adopted at the Regular Session of the Twenty-fourth Legislature of the State of Texas; Article 529h of Chapter 98 of the Acts of the Regular Session of the Twenty-fifth Legislature of Texas; Article 529g of Chapter 90 of the Acts of the Regular Session of the Twenty-ninth Legislature of Texas, Article 2518, 2518½c, 2518m, 529e, 529j, 529o of Chapter 126 of the Acts of the Regular Session of the Thirtieth Legislature of Texas, and adding thereto Article 2518k½, referring to licenses required of dealers in fish and oysters, and Article 529j½, referring to the screening of pumps, etc.; and repealing all laws in conflict with the above, relating to the duties and powers of the Game, Fish and Oyster Commissioner," with engrossed rider.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Senator Watson) had referred, after its caption had been read,

the following House bill (see above House message for caption):

House bill No. 3, referred to Judiciary Committee No. 2.

RECESS.

On motion of Senator Sturgeon, the Senate, at 1 o'clock p. m., recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

There being no quorum present, the Senate was at ease for ten minutes.

The Senate was again called to order by Lieutenant Governor Davidson.

The roll was called, but there was no quorum present, the following answering to their names:

Adams.	Meachum.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Masterson.	Ward.
Mayfield.	Watson.

Absent.

Hume.	Terrell of McLennan.
Kellie.	Weinert.
Murray.	

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Terrell of Bowie moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion was seconded.

The roll was called, the following answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Masterson.	Watson.
Mayfield.	

Absent.

Hume.	Murray.
Kellie.	Terrell of McLennan.
Meachum.	Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

The Sergeant-at-Arms was instructed to bring in the absentees.

Pending a short delay, Senators Terrell of McLennan, Meachum and Hume were announced present, which completed a quorum.

SENATE BILL NO. 11.

Action recurred on Senate bill No. 11, the question being on the pending amendment by Senator Senter (see morning proceedings for the amendment).

Senator Alexander offered the following substitute for the amendment:

Amend the amendment by substituting the following therefor: "In the event it becomes necessary to use any part of said original statement of facts in the trial of any cause, then either party at interest shall, on application to the clerk of such appellate court, have the right to a certified copy of such statement of facts or any part thereof, which shall be received in evidence in all cases in which the original would be received, and the clerk of such court shall have the same fees for such copy as now provided by law for a stenographer for making up a statement of facts."

ALEXANDER,
SENER.

The substitute was adopted by the following vote:

Yeas—19.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	

Nays—2.

Hume.	Meachum.
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Absent.

Bryan. Senter.
Murray. Weinert.

Absent—Excused.

Brachfield. Real.
Harper. Willacy.
Paulus.

Senator Cofer offered the following amendment to the substitute amendment:

Amend substitute by adding at the end of Section 1 another paragraph, viz.: "Any party to such suit desiring a certified copy of any statement of fact, or any part thereof, may present a copy of such record to the clerk of the court having the custody of the original, and it shall be the duty of such clerk to compare such copy with the original and see that it is a true copy of the original, and then to attach his certificate to such copy that such copy is a true copy. For such service the clerk shall be entitled to charge fifty (50) cents for his certificate and ten (10) cents for each page of the examined and certified copy."

The amendment to the substitute was adopted by the following vote:

Yeas—20.

Adams.	Meachum.
Alexander.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Senter.
Holsey.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Ward.

Nays—4.

Bryan.	Veale.
Hudspeth.	Watson.

Absent.

Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Watson offered the following amendment to the substitute, as amended:

Amend the amendment by adding after the words "would be received," in

lines 7 and 8, the following: "Provided, that in all cases where the testimony of any witness is so secured the entire testimony of said witness shall be included in the transcript."

The amendment was adopted.

The substitute for the amendment, as amended, was then adopted by the following vote:

Yeas—18.

Adams.	Murray.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.

Nays—5.

Hudspeth.	Sturgeon.
Masterson.	Veale.
Meachum.	

Absent.
Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Veale offered the following amendment to the bill:

Amend the caption of the bill by adding in line 10 after the word "criminal" and before the word "with" the following: "And providing for the use of certified copies of statement of facts, or any parts thereof in the trial of other cases, where the original statement of facts or such part thereof might be admissible in evidence."

The amendment was adopted by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.

Absent.

Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Meachum offered the following amendment:

Amend the bill, line 29, by striking out the word "passage," in said line, and insert in lieu thereof the words "taking effect."

Senator Terrell of Bowie moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

The amendment was adopted by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.

Absent.

Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.

Absent.

Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 15.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 15, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said chapter, relating to citations in the sale of land by executors or administrators of the estates of decedents, and declaring an emergency."

(Senator Veale in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, line 18, page 1, by striking out the words "returned record" and inserting the words "return recorded."

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.

Absent.

Hume.	Weinert.
Sturgeon.	

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.

Nays—1.

Hume.

Absent.

Sturgeon.

Weinert.

Absent—Excused.

Brachfield.

Real.

Harper.

Willacy.

Paulus.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 16.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 16, A bill to be entitled "An Act for the protection of stock and stock raisers, farmers and horticulturists from the danger of wolf bite, and the communication of the dangerous disease of hydrophobia, and for the destruction of wolves and other wild animals, subject to the disease of hydrophobia, and to provide a means of paying for their destruction, and to make an appropriation for paying for their destruction; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—19.

Adams.	Hume.
Alexander.	Kellie.
Bryan.	Masterson.
Hayter.	Meachum.
Hudspeth.	Murray.

Peeler.	Terrell of McLennan.
Perkins.	Veale.
Senter.	Ward.
Stokes.	Watson.
Terrell of Bowie.	

Nays—4.

Cofer.	Holsey.
Greer.	Mayfield.

Absent.

Sturgeon. Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

The bill was read third time, and passed.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING NO.

We voted against the wolf scalp bill, and place this statement in the record showing our opposition to said bill, as there was no roll call on final passage. However, the record on the vote to suspend the constitutional rule shows our record on the bill in opposition to it. We deem it inexpedient and unwise to vote \$150,000 of the public funds for killing wolves and especially at this time in the present condition of the treasury.

COFER,
GREER,
HOLSEY,
STURGEON.

SENATE BILL NO. 23.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 23, A bill to be entitled "An Act to provide a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, ma-

chinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read, and

Senator Peeler offered the following amendment, which was read and adopted:

Amend the bill by inserting the following at the end of Section 4: "Provided, that in event the awards, or any one of them, of such condemnation proceedings are found satisfactory to said board, no property thus condemned shall be taken or used by the State until the same is first paid for; and provided further, that all streets, alleys and other thoroughfares shall be left in as good condition as they were before such improvements were made."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	

Present—Not Voting.

Senter.

Absent.

Stokes.
Sturgeon.

Weinert.

Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Senator Watson here moved to reconsider the vote by which the constitutional rule requiring bills to be read on three several days was suspended.

The motion prevailed.

Senator Watson moved that the vote by which the bill was ordered engrossed be reconsidered.

The motion was adopted.

Senator Watson offered the following amendment:

Amend the bill by striking out "Secretary of State," in line 2 of Section 1, and insert in lieu thereof the following: "Comptroller of Public Accounts."

Senator Terrell of Bowie moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

The amendment by Senator Watson was then adopted by the following vote:

Yeas—13.

Adams.	Peeler.
Hayter.	Perkins.
Holsey.	Stokes.
Hudspeth.	Terrell of McLennan.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	

Nays—10.

Alexander.	Kellie.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hume.	Veale.

Absent.

Murray.	Weinert.
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Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	

Absent.

Hume.	Weinert.
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Absent—Excused.

Brachfield.	Real.
Harper.	Willacy.
Paulus.	

The bill was read third time, and passed.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Meachum, the Senate, at 4:25 o'clock p. m., adjourned until 10 o'clock Wednesday morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1896, and to fix the time of filing and answer in all cases where the defendant is cited by publication, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 66, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, March 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health,"

And find the same correctly engrossed.

WARD, Chairman.

TWELFTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, March 31, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	Willacy.

Absent.

Mayfield.

Absent—Excused.

Paulus.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Peeler, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Perkins:

Senate bill No. 80, A bill to be entitled "An Act to establish and maintain in the Fourth Congressional District of Texas, an agricultural experimental station, and the Grubbs' Self-Help and Industrial College, and to locate the same at the town of Campbell, Hunt county, Texas; making an appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Weinert:

Senate bill No. 81, A bill to be entitled "An Act to provide for attorneys filing suits in the county and district courts of this State, to furnish the clerks at the time of filing petitions a statement of the nature of the cause of action."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate Concurrent Resolution No. 2: Providing for printing of Legislative Manuals for use of members and officers.

Read first time, and referred to Committee on Rules.

Morning call concluded.

By unanimous consent after the morning call was concluded and after message from the Governor submitting the subjects to be considered:

By Senator Cofer:

Senate bill No. 82, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

HOUSE BILL NO. 71.

The Chair laid before the Senate, on second reading and as pending business, House bill No. 71, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not or-

ganized under the laws of this State, and fixing the rate of such tax, and prescribing the method of its collection, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Terrell of Bowie offered the following amendment:

Amend House bill No. 71 as follows:

Strike out Section 2 of the bill and insert in lieu thereof the following:

"Nothing contained in this act shall be so construed as to repeal or in any way affect any provision of the laws of this State in force at the time this act shall take effect, subjecting life insurance companies, after they shall cease to transact new business in this State, to the payment of the same occupation taxes in proportion to their gross premiums received from citizens of this State during any year as is or may be imposed by law on such companies transacting new business within this State under certificates of authority during such year, or providing that any life insurance company which has heretofore been, may now be, or may hereafter be engaged in writing policies of insurance in this State, and which has heretofore ceased, or may hereafter cease writing such policies but which has continued or may continue to collect renewal or other premiums upon such policies shall, before it may again obtain a certificate of authority to transact business in this State, report its gross premiums collected from citizens of this State during each calendar year since the end of the period covered by its last preceding report of such gross premiums upon which it paid an occupation tax, and shall pay to the State a sum equal to the percentage of its gross premium receipts for each year that was required by law to be paid as occupation taxes by companies doing business in this State during such year or years. All other laws and parts of laws in conflict with this act are hereby repealed."

TERRELL of Bowie,
HARPER,
VEALE.

(Senator Mayfield in the chair.)

The amendment was lost by the following vote, the yeas and nays being called for:

Yeas—11.

Alexander.	Bryan.
Brachfield.	Greer.

Harper.
Holsey.
Mayfield.
Meachum.

Terrell of Bowie.
Veale.
Ward.

Nays—17.

Adams.
Cofer.
Hayter.
Hudspeth.
Hume.
Kellie.
Masterson.
Murray.
Peeler.

Perkins.
Real.
Senter.
Sturgeon.
Terrell of McLennan.
Watson.
Weinert.
Willacy.

Absent.

Stokes.

Absent—Excused.

Paulus.

Bill read second time, and passed to third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Hayter.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.

Murray.
Peeler.
Perkins.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Weinert.
Willacy.

Nays—4.

Bryan.
Harper.

Holsey.
Veale.

Absent.

Stokes.

Absent—Excused.

Paulus.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.

Cofer.
Greer.
Hayter.

Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.
Murray.
Peeler.
Perkins.

Real.
Senter.
Sturgeon.
Terrell of Bowie.
Ward.
Watson.
Weinert.
Willacy.

Nays—3.

Harper.
Holsey.

Veale.

Absent.

Bryan.
Stokes.

Terrell of McLennan.

Absent—Excused.

Paulus.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 20.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

RECESS.

Senator Watson moved that the Senate recess until 3 o'clock today, and

Senator Terrell of Bowie moved as a substitute, that the Senate recess until 2:30 o'clock today.

Action being on the longest time first, the motion to recess until 3 o'clock today was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 20.

Action recurred on Senate bill No. 20, which was unfinished business from the morning session.

Pending discussion, Senator Terrell of Bowie offered the following amendment:

Amend the bill by striking out the enacting clause.

Laid on the table subject to call.

Senator Alexander offered the following amendment:

Amend the bill by adding after the word "State," in line 18, the following words: "And where the will has been filed and recorded as required by Article 5353 of the Revised Statutes of 1895, and provided this act shall not validate any sale where a will has been fraudulently probated."

Senator Hume moved that the bill and amendments be passed for today and made a special order for tomorrow after the morning call.

The motion prevailed.

SENATE BILL NO. 21.

The Chair laid before the Senate as regular order, and on second reading,

Senate bill No. 21, A bill to be entitled "An Act to amend Article 2534 and Article 2535, Title 49 of the Revised Civil Statutes of 1895, relating to appeals in cases of forcible entry and detainer, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Absent.

Holsey.	Terrell of McLennan.
Stokes.	Willacy.
Sturgeon.	

Absent—Excused.

Paulus.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.	Stokes.
Harper.	Sturgeon.
Holsey.	Willacy.

Absent—Excused.

Paulus.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 22.

The Chair laid before the Senate, on second reading and regular order.

Senate bill No. 22, A bill to be entitled "An Act to amend Article 2256, Chapter 31, Title 39 of the Revised Civil Statutes of 1895, relating to appeals to the district court in probate cases, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Bryan.	Sturgeon.
Holsey.	Willacy.
Stokes.	

Absent—Excused.

Paulus.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Bryan.	Sturgeon.
Holsey.	Willacy.
Stokes.	

Absent—Excused.

Paulus.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 26.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith'; providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

Senator Meachum offered the following amendment:

Amend the bill, page 2, line 22, after the word "bill," by adding after such word the following: "The provisions of this act as to the fees to be charged by the prosecuting attorney shall not

apply to any cause heretofore filed in any court, nor to any money to be hereinafter collected upon any cause heretofore filed or tried, but shall only apply to such suits or causes as may be hereafter filed."

MEACHUM,
ALEXANDER,
STOKES,
HARPER,
MAYFIELD.

(Senator Veale in the chair.)

Pending discussion on the amendment, an amendment to the amendment was offered by Senators Watson and Hudspeth, and pending discussion on same, it was withdrawn.

Question recurred on the amendment by Senators Meachum et al.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, March 31, 1909.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation amending Article 2439, Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars, and to engage in conducting, operating or managing any telegraph lines in this State for permits to do business in Texas, and to regulate the fees paid by such companies.

2. Legislation for the protection of fruit trees, shrubs and plants from injurious and destructive pests or diseases, and providing the manner of treatment of diseased trees, and for the proper inspection of orchards, nurseries, forest trees and green house plants, and reg-

ulating permits of foreign individuals and nursery companies or corporations doing business in this State, and such further legislation on the subject here presented as the Legislature may deem necessary in the premises.

3. Legislation creating an independent school district in the county of Gonzales to be known as the Nixon Independent School District, with all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only.

4. Legislation creating a more efficient road system for Grayson county, and providing for the creation of road districts in any political subdivision or in any defined district hereafter to be described in said county.

5. Legislation providing a more efficient road system for the State of Texas, and providing for the creation of road districts in any political subdivision, or in any defined district hereafter to be described in any county of the State; to provide for the issuance of bonds and for the assessment and collection of taxes, and for such general legislation on this subject as will create a more effective road system throughout the State.

6. The creation of an independent school district to be known as the Goliad Independent School District in Goliad county, Texas.

7. Laws creating independent school districts in Bowie and Nocona, Montague county, Texas.

Bills covering the subjects above mentioned, with the exception of the last mentioned subject, were passed at the Regular Session of this Legislature, but on account of defects in the caption of same, and for want of the signature of the Speaker of the House of Representatives to the Goliad Independent School District bill and the Grayson county road law, it becomes my duty to veto them, and I again submit these subjects for your consideration that you may re-enact the laws, if the Legislature so desires.

T. M. CAMPBELL,
Governor of Texas.

ADJOURNMENT.

On motion of Senator Peeler, the Senate, at 5:45 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 80, A bill to be entitled "An Act to establish and maintain in the Fourth Congressional District of Texas an agricultural experimental station, and the Grubbs Self-Help and Industrial College, and to locate the same at the town of Campbell, Hunt county, Texas, and making an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Sturgeon, Real, Bryan, Weinert, Hume, Meachum.

(Floor Report.)

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 79, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county and the county court of Edwards county, to conform the jurisdiction of the district courts thereto and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Sturgeon, Chairman; Watson, Hume, Harper, Peeler, Perkins, Willacy, Terrell of Bowie, Ward.

(Floor Report.)

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 82, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road sys-

tem for Grayson county, and Chapter 65 of the Special Laws of said State, amendatory hereof, passed by the Thirtieth Legislature, at its Regular Session, providing for the creation of road districts in any political subdivision or any defined district hereafter to be described in said county, prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued; declaring the qualification of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for such purposes; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as general laws of the State, making it cumulative of the General Laws of the State except when in conflict with this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Terrell of McLennan, Murray, Peeler, Mayfield, Senter.

(Floor Report.)

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred

Senate Concurrent Resolution No. 2, Providing for the printing of 300 copies of the Legislative Manual, containing the rules of the Senate and the rules of the House, the joint rules of the Senate and House, and names of the officers and members of the Senate and House and amendment to the Constitution of Texas, compensation, and States, three-fourths majority, be assigned to the

Senator Meachum to the Senate, and amend the bill, page 1, by adding the word "bill," by adding the word the following: "The committee recommend this act as to the fees to be paid by the prosecuting attorney."

Amend the bill, page 1, by adding the word "bill," by adding the word the following: "The committee recommend this act as to the fees to be paid by the prosecuting attorney."

Stokes, Chairman; Cofer, Sturgeon, Veale, Peeler, Brachfield, Willacy.

Committee Room,

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 21, A bill to be entitled "An Act to amend Article 2534 and Article 2535, Title 49 of the Revised Civil Statutes of 1895, relating to appeals in cases of forcible entry and detainer, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 22, A bill to be entitled "An Act to amend Article 2256, Chapter 31, Title 39 of the Revised Civil Statutes of 1895, relating to appeals to the district court in probate cases, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 15, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said Chapter, relating to citations in the sale of land by executors or administrators of the estates of decedents, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, A bill to be entitled "An Act to provide a system of electric power, electric lights and waterworks

for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room.

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 16, A bill to be entitled "An Act for the protection of stock and stock raisers, farmers and horticulturists from the danger of wolf bite, and the communication of the dangerous disease of hydrophobia, and for the destruction of wolves and other wild animals, subject to the disease of hydrophobia, and to provide a means of paying for their destruction, and to make an appropriation for paying for their destruction; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room.

Austin, Texas, March 31, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, A bill to be entitled "An Act to regulate the procedure in the appellate courts of this State, and to provide for the filing of the original

statement of facts as a part of the record on appeal and writ of error in all causes on appeal or writ of error, from all courts, both civil and criminal, with an emergency clause."

And find the same correctly engrossed.
WARD, Chairman.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, April 1, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Paulus.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 83, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas by adding thereto Article 825a, prohibiting the cutting of wood, trees or shrubs suitable for fuel, or other useful purposes, from the enclosed lands of another; providing a penalty for a violation thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Weinert:

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act

passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the corporations of towns and villages for free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth:

Senate bill No. 85, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District, in Coke county, Texas," etc.

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth:

Senate bill No. 86, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District," etc.

Read first time, and referred to Committee on Educational Affairs.

Morning call concluded.

(By unanimous consent, after the morning call had been concluded):

By Senators Terrell of McLennan and Bryan:

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 284 passed by the Regular Session of the Thirty-first Legislature, and House

bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred by President Pro Tem. Brachfield to Committee on Roads, Bridges and Ferries.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 3: Relative to southern representation in the diplomatic service.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House Concurrent Resolution (see above message for caption):

House Concurrent Resolution No. 3, referred to Committee on Federal Relations.

SENATE BILL NO. 20.

The Chair laid before the Senate, on second reading and as special order,

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

The question on the bill was the pending amendments, one by Senator Terrell of Bowie to strike out the enacting clause, and one by Senator Alexander to perfect the bill.

Action recurred on the amendment to perfect the bill, and the same was adopted (see Journal of yesterday for amendment).

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding the following at the end of Section 1: "And where, in such will, testament or testamentary instrument of any character,

executors or trustees are named with powers conferred upon them sufficient to make them independent executors under the laws of this State, including power to sell real estate, then the filing of the will, as provided in Article 5353, Revised Statutes, 1895, shall be sufficient to authorize such executor or trustee to sell any real estate belonging to the estate of said testator and situated in this State, without the necessity of an ancillary administration in this State."

Senator Terrell of Bowie offered the following amendment:

Amend the bill by striking out of line 11, page 1, the following: "Have been heretofore," and insert in lieu thereof the following: "Shall hereafter be."

Senator Hume moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.

Nays—3.

Masterson.	Terrell of McLennan.
Terrell of Bowie.	

Absent.

Brachfield.	Sturgeon.
Paulus.	Willacy.
Senter.	

Action then recurred on the amendment by Senator Terrell of Bowie to strike out the enacting clause of the bill.

Senator Hume moved to table the amendment, which motion prevailed.

The bill was read second time, and ordered engrossed.

SENATE BILL NO. 26.

The Chair laid before the Senate, as pending business,

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare

illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith'; providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

The question on the bill was the pending amendment by Senator Meachum et al., and the same was withdrawn.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 22, after the word "bill" by adding after such word the following: "Provided, that the provisions of this act as to the fees to be allowed the prosecuting attorney shall not apply to any cause in which any judgment has heretofore been rendered in any court nor to any moneys to be hereinafter collected upon any such judgments theretofore rendered in any court whether such judgments are pending upon appeal or otherwise, and."

MEACHUM,
ALEXANDER,
STOKES,
HARPER,
MAYFIELD.

(President Pro Tem. Brachfield in the chair.)

Senator Meachum offered the following amendment:

Amend the bill, page 2, line 29, by striking out all after the word "upon," in said lines 29 and 30, and inserting in lieu thereof the following: "Such prosecuting officer making such contract and thereafter retiring from office."

Senator Watson offered the following substitute for the amendment:

Amend the bill by adding after the word "office," in line 30, the following: "Only to the extent that the prosecuting district or county attorney is interested in the judgment, and shall in no way affect the one-half of the fee to be paid to his successor."

Senator Meachum moved to table the substitute by Senator Watson, which motion to table was adopted by the following vote:

Yeas—15.

Alexander.	Greer.
Bryan.	Harper.
Cofer.	Hayter.

Holsey.	Peeler.
Mayfield.	Stokes.
Meachum.	Ward.
Murray.	Weinert.
Paulus.	

Nays—11.

Adams.	Perkins.
Brachfield.	Real.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Watson.
Masterson.	

Absent.

Senter.	Terrell of McLennan.
Sturgeon.	Willacy.

The amendment by Senator Meachum was then adopted.

Senator Watson offered the following amendment:

Amend the bill, page 2, line 19, by striking out the words "ten per cent of the amount collected," and insert in lieu thereof the following: "10 per cent on the first \$1000 and 5 per cent on all sums in excess of \$1000 and not in excess of \$100,000, and 3 per cent on all sums in excess of \$100,000 of the amount collected."

WATSON,
HUDSPETH.

Senator Peeler moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—15.

Alexander.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Harper.	Stokes.
Hayter.	Veale.
Holsey.	Ward.
Hume.	

Nays—11.

Adams.	Perkins.
Brachfield.	Real.
Hudspeth.	Terrell of Bowie.
Kellie.	Watson.
Masterson.	Weinert.
Paulus.	

Absent.

Senter.	Terrell of McLennan.
Sturgeon.	Willacy.

Senator Masterson offered the following amendment:

Amend the bill by adding at the end

of Section 1, as amended, the following: "It is further provided herein that in case the suit is compromised before any final judgment in the trial court is had, then the fees herein provided for shall be reduced one-half."

MASTERSON,
ALEXANDER,
MEACHUM,
HARPER.

Senator Meachum moved the previous question on the amendment and the bill. The motion being duly seconded, was so ordered.

The amendment was then adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Weinert.
Masterson.	

Nays—1.

Watson.

Absent.

Murray.	Sturgeon.
Senter.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	

Nays—2.

Brachfield. Watson.

Absent.

Hume. Sturgeon.
Murray. Willacy.
Senter.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 29.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency."

The bill was read, and

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "Judge," in line 19, page 3, the following: "That Section 2 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature shall be amended so as hereafter to read as follows."

Senator Ward offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding after the word "injunctions," in line 9, page 1, the following: "And providing for appeals from the orders and decrees of district and county courts, either granting or refusing temporary injunctions and fixing effects of such appeals, and repealing all laws in conflict herewith."

Senator Ward offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding after the word "Legislature," in line 7, page 1, the following: "And Section 2 of said act."

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Absent.

Hume.	Stokes.
Murray.	Sturgeon.
Senter.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Masterson.	

Absent.

Murray.	Sturgeon.
Senter.	Terrell of McLennan.
Stokes.	

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 46.

On motion of Senator Perkins, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 46, by the following vote:

Yeas—24.

Adams.	Harper.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Hume.

Kellie.	Real.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.

Nays—1.

Greer.

Absent.

Murray.	Sturgeon.
Senter.	Willacy.
Stokes.	

The Chair laid before the Senate, on second reading,

Senate bill No. 46, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by law in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions arising hereunder."

The bill was read, and

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding at end of caption the words "and declaring an emergency."

Senator Watson offered the following amendment:

Amend the bill by striking out "two nor more than five years," in lines 18 and 19, and insert in lieu thereof the following: "By fine not to exceed \$1000 or by imprisonment in the county jail for any length of time not exceeding two years, or by both such fine and imprisonment."

Senator Terrell of Bowie moved to table the amendment, which motion to table prevailed.

Senator Cofer offered the following amendment:

Amend the bill by striking out of line 16, page 1, the words "has been or," and by adding at end of line 19, page 1, the following: "Provided, the punishment in counties, justice precincts, cities, towns or subdivisions of a county, where the sale of intoxicating liquors is now prohibited by law, shall be as now provided by law, and this law shall only apply to such counties, justice precincts, cities, towns or subdivisions hereafter

prohibiting the sale of intoxicating liquor."

The amendment was lost by the following vote:

Yeas—12.

Cofer.	Meachum.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Stokes.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—13.

Adams.	Kellie.
Alexander.	Perkins.
Brachfield.	Terrell of Bowie.
Bryan.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Watson.
Hume.	

Absent.

Murray.	Sturgeon.
Real.	Willacy.
Senter.	

REASONS.

I introduced the amendment and voted for it because the Legislature has no right in law, as has been frequently held by the higher courts, to change the penalty for violating the local option law in communities where prohibition prevails. The people in that community are the only power on earth that can change the law, as they voted it. Lawhon vs. State, 9 S. W. Rep., 355; Dawson's Case, 25 Tex. App., 670. Neither do I think it right to attempt to change the law as the people voted it. Any change should apply only to communities hereafter adopting the law.

COFER,
GREER,
HARPER,
WARD.

Bill read second time, and ordered engrossed.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Perkins.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.

Nays—1.

Watson.

Absent.

Murray.	Sturgeon.
Real.	Willacy.
Senter.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Weinert.
Masterson.	

Nays—1.

Watson.

Absent.

Murray.	Sturgeon.
Real.	Willacy.
Senter.	

Senator Perkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 84.

On motion of Senator Weinert, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 84, by the following vote:

Yeas—25.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	

Absent.

Murray.	Veale.
Senter.	Willacy.
Sturgeon.	

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.

Absent.

Kellie.	Sturgeon.
Murray.	Veale.
Senter.	Willacy.

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.

Absent.

Kellie.
Murray.
Senter.

Sturgeon.
Veale.
Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 84, Nixon Independent School District, in Gonzales county, with an emergency.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Bryan.
Cofe.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Masterson.

Mayfield.
Meachum.
Paulus.
Peeler.
Perkins.
Real.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Weinert.

Absent.

Kellie.
Murray.
Senter.

Sturgeon.
Veale.
Willacy.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Bryan.
Cofe.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Masterson.

Mayfield.
Meachum.
Paulus.
Peeler.
Perkins.
Real.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Weinert.

Absent.

Kellie.
Murray.
Senter.

Sturgeon.
Veale.
Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE BILL NO. 35.

On motion of Senator Alexander, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 35, by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Bryan.
Cofe.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Masterson.

Mayfield.
Meachum.
Paulus.
Peeler.
Real.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Weinert.

Absent.

Kellie.
Murray.
Perkins.
Senter.

Sturgeon.
Veale.
Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature."

Bill read second time, and ordered engrossed.

Senator Alexander moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

RECESS.

On motion of Senator Stokes, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Brachfield.

SENATE BILL NO. 35.

Action recurred on Senate bill No. 35, the question being on the motion by

Senator Alexander to suspend the constitutional rule requiring bills to be read on three several days and put the bill on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20.

Adams.	Masterson.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.

Nays—2.

Stokes. Sturgeon.

Absent.

Bryan.	Murray.
Holsey.	Senter.
Mayfield.	Terrell of McLennan.
Meachum.	Willacy.

The bill was read third time, and Senator Cofer offered the following amendment:

Amend the bill by adding at end of line 21, page 1, the following: "Provided, the penalties as now provided by law shall remain in force in such political subdivisions wherein the sale of intoxicating liquors is now prohibited by law. And this act shall have force and effect only in the counties, justice precincts, cities, towns and subdivisions hereafter voting to prohibit the sale of intoxicating liquors."

COFER,
WARD.

The amendment was read and adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Real.
Greer.	Veale.
Harper.	Ward.
Hayter.	Watson.
Kellie.	Weinert.
Meachum.	

Nays—7.

Brachfield.	Perkins.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Masterson.	

Absent.

Bryan.	Senter.
Holsey.	Stokes.
Mayfield.	Terrell of McLennan.
Murray.	Willacy.

Senator Alexander offered the following amendment:

Amend the bill by inserting after the word "complaint," in line 22, page 1, of the printed bill the following words: "Under oath by any credible person."

ALEXANDER,
MEACHUM,
HUDSPETH.

The amendment was read and adopted by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Willacy.
Murray.	

The bill was passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Nays—1.

Sturgeon.

Absent.

Bryan.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Willacy.
Murray.	

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 12.

On motion of Senator Watson, the regular order of business (House bill No. 17) was suspended, and the Senate took up, out of its order, Senate bill No. 12, by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Willacy.
Murray.	

The Chair laid before the Senate, on second reading,

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

Senator Meachum moved that the bill be considered by sections, which motion was adopted.

(Section 1.)

Senator Terrell of Bowie offered the following amendment:

Amend Section 1 as follows: Strike out all of said section beginning with

the word "may," in line 25, and insert in lieu thereof the following: "Shall appoint official shorthand reporters, and in such districts the provisions of this act shall apply."

The amendment was read and lost by the following vote:

Yeas—9.

Adams.	Peeler.
Bryan.	Senter.
Hudspeth.	Terrell of Bowie.
Kellie.	Watson.
Masterson.	

Nays—17.

Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Veale.
Hayter.	Ward.
Holsey.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Hume.	Terrell of
Mayfield.	McLennan.
Murray.	

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by striking out of line 21 the word "shall," and insert in lieu thereof the following: "May."

(Section 2.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "fifty," after the word "and," in line 4, page 2, and insert the word "twenty."

(Section 3.)

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 3, line 22, page 2, by inserting after the word "shall" the following: "In addition to the oath required of officers by the Constitution."

(Section 4.)

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 4, page 2, lines 31 and 32, by substituting for the words "all evidence" therein the words "all oral testimony."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, line 2, Section 4, page 3, by adding after the word "ruling" the following: "If during the trial of any case, either party threatens or his attorney, shall desire to have the evidence already adduced upon the trial, or any part thereof, read over to him, he shall request such official shorthand reporter to read the same from his notes, and it shall be the duty of such reporter to comply with such request, and in case he shall fail or refuse so to do, he shall be removed from his official position as court reporter, in case it shall be found by a committee of three disinterested practicing attorneys of the county wherein such failure or refusal occurred to be appointed by the court that such failure or refusal was intentional and without justification."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, Section 4, page 3, line 3, by adding after the word "reference" the words "for at least one year."

(Section 5.)

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 3, line 10, by substituting for the words "transcribe the evidence" the words: "Transcribe the testimony and other proceedings recorded by him."

(Senator Holsey in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 3, lines 9 and 10, by striking out the words "when requested by the party appealing."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 3, line 9, by inserting after the words "reporter shall," the words "unless otherwise directed by all parties to the cause or their attorneys."

(Section 6.)

Senator Veale offered the following amendment:

Amend Section 6, page 3 of the bill by striking out in lines 18 and 19 the following words: "The party appealing," and insert in lieu thereof the following: "Said reporter."

Senator Senter offered the following amendment to the amendment.

Amend the amendment by the Senator from Potter by adding thereto the words: "Acting under the direction of the party appealing or his attorney."

Senator Watson moved to table the amendment and the amendment to the amendment.

The motion to table prevailed.

Senator Sturgeon moved to reconsider the vote by which the motion to table the above amendments prevailed.

The motion to reconsider was lost by the following vote:

Yeas—12.

Brachfield.	Peeler.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Murray.	Veale.
Paulus.	Ward.

Nays—13.

Adams.	Masterson.
Bryan.	Meachum.
Cofer.	Terrell of Bowie.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

Absent.

Alexander.	Real.
Mayfield.	Stokes.
Perkins.	

SPECIAL COMMITTEE REPORT.

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Committee on Arrangements for the Bryan speaking recommend as follows:

The Senate to meet in their own Chamber at 10:30 a. m. on April 5, and go in a body into the House, and occupy seats in the center aisle set aside for them. The Speaker of the House and President of the Senate presiding in joint session. The Hon. A. B. Davidson shall introduce Hon. W. J. Bryan. The Governor of this State may occupy the Speaker's stand with the Lieutenant Governor and Speaker of the House.

There shall be printed for distribution 900 tickets for the first floor, which shall be divided as follows:

Four tickets for each member of the House and Senate and two tickets each for the eight heads of State departments, two tickets each for the Railroad Commissioners, two tickets each for the members of the Supreme Court, two tickets each for the members of the Court of Criminal Appeals, two tickets for the Judges of the Austin Court of Civil Appeals, two tickets for the Adjutant General, two tickets for the State Revenue Agent, two tickets for the Commissioner of Insurance, two tickets for the State Health Officer, four tickets for the Superintendent of Public Buildings and Grounds, four tickets for the Chief Clerk of the House, four tickets for the Sergeant-at-Arms of the House, four tickets for the Secretary of the Senate, four tickets for the Sergeant-at-Arms of the Senate, twenty tickets for the Governor, twenty tickets for the Lieutenant Governor and twenty tickets for the Speaker of the House, one ticket each for the employees of House and Senate, members of the press to be allowed one ticket each.

The gallery to be open to the public under the direction of the committee upon the part of the House.

Tickets of any members not present to claim same shall be turned over to the Speaker and Lieutenant Governor to be distributed among other members upon application.

Each of said tickets must be countersigned by the Speaker of the House, or under his direction. All tickets must be taken up when presented at the door. The Sergeant-at-Arms of the House shall place a doorkeeper at each entrance door of the gallery and hall. The doorkeeper will admit no one upon the floor of the House except upon a ticket of admission to the floor or under the rules of the House. The Chief Clerk shall at once have said tickets printed and deliver same to the Speaker to be countersigned, and when so countersigned, they shall at once be delivered to parties entitled thereto, and when tickets are assigned to parties not in the city the Chief Clerk shall notify said parties that he holds said tickets subject to their order and state where they can be delivered upon their arrival in the city of Austin. The doors of the Capitol will be opened at 10:30 a. m. for admission. The House will be called to order in joint session at 11 o'clock on April 5, 1909.

The expense of said reception, including carriages, shall be paid out of

the contingent expense fund of the First Called Session of the Thirty-first Legislature.

BRACHFIELD,
WILLACY,
PEELER,
STOKES,
HUME.

The report was read and adopted.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 71, "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax, and prescribing the method of its collection, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Meachum, the Senate, at 5:35 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined districts of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating

macadamized, graveled and paved roads and turnpikes or in aid thereof, creating road districts, making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264, passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Perkins, Paulus, Murray, Mayfield, Terrell of McLennan, Peeler.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 83, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas, by adding thereto Article 825a, prohibiting the cutting of wood, trees or shrubs suitable for fuel or other useful purposes from the enclosed lands of another, providing a penalty for a violation thereof, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Stokes, Sturgeon, Greer, Murray, Senter.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the corporations of towns and villages for

free school purposes only, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Harper, Veale, Hume, Meachum, Brachfield, Weinert, Bryan.

Committee Room,

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 46, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by

law in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions arising hereunder,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district, in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporations of towns and villages for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with

respect to the granting of injunctions, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Adams:

Memorial from Gum Springs Farmers' Union, favoring guaranty bill.

Petition from Llano, favoring guaranty bank bill.

By Senator Hudspeth:

San Angelo, Texas, March 18, 1909.

To Hon. C. B. Hudspeth, State Senate, and Hon. Brown F. Lee, House of Representatives, Austin, Texas.

Sirs: In view of the fact that a large majority of the leading bankers and financiers of the State are strongly opposed to the enactment of any law bearing on the guaranty of deposits; and

Believing that this opposition to such a law is based upon the actual experience of able men who have devoted a lifetime to the study of banking, dreading the ultimate results that may arise from a radical departure from the solid experience of the past, and that such opposition is not from selfish motives; and

Believing that the enactment of such a law would be in violation of the fundamental principles of our institutions; and

Believing that the law guaranteeing deposits, even in Oklahoma, is yet an unsupported theoretical experiment which has already required amendments, one of the amendments asked for showing the grave apprehension of danger lurking in such a law; and

Believing that time alone can only furnish a practical demonstration as to whether or not the guaranty law of Oklahoma should be an object lesson for Texas to follow; and

Further believing that, even if there is a platform demand on that subject, which is denied by some, it would not suffer by deferring action in the matter until two years hence.

Therefore, we would earnestly represent that we deem it the part of wisdom and discretion that the Legislature of Texas do not act hastily in a matter so momentous to the financial interest of the State, but rather defer action thereon for the next two years, thereby enabling our law-makers to see the result

of such a law in other States, and profit thereby.

Numerously signed.

By Senator Weinert:

Petition from C. D. Mead and other citizens of Hays county, favoring House bill No. 54, creating the office of State Fire Marshal.

Petition from Farmers' Union of Guadalupe county, favoring House bill No. 1, and also a like petition from Farmers' Union of Gonzales county.

By Senator Hayter:

Chico, Texas, March 30, 1909.

J. P. Hayter, State Senator:

We, the members of Chico Union, ask that you consider the Cureton bill on bank guaranty, and that you vote for the bill without any amendment if you can honestly do so.

Yours truly,

W. W. JONES,
Secretary.

By Senator Hayter:

To the Hon. J. P. Hayter:

We, the undersigned members of Joe Bailey local Farmers' Union of Wise county, earnestly ask your support of the Cureton bill which guarantees the deposits of State banks. We also ask that you oppose any amendments to this bill, supporting only the original.

By Senator Bryan:

Rochester, Texas, March 27, 1909.

To Hon. W. J. Bryan, Senate Chamber, Austin, Texas.

Dear Sir: Believing that the bill introduced in the House by Representative Cureton of Bosque county, known as House bill No. 1 for guaranteeing of deposits in State banks, if enacted into law, will increase bank deposits in our State and otherwise contribute to a feeling of safety in financial circles in our State, thereby reducing to the minimum the probability of panic. We, the undersigned citizens of Haskell county and constituents of your district, expect you to give said bill your hearty support in the Senate and to do all in your power to prevent its being so amended as to weaken or thwart its original purpose.

Numerously signed.

By Senator Adams:

to the Hon. Wm. Adams, Austin, Texas:

We, the undersigned, your constituents, respectfully request and urge your support to the State bank guaranty law.

This law has been demanded by the Democrats in the State convention, and we feel certain that an overwhelming majority of the people of the State of Texas favor the enactment of this law and we, knowing that you recognize yourself to be a true Democrat, you certainly will not oppose the will of the Democrats of Texas.

Numerously signed.

The Chair had the following read to the Senate:

Albany, Texas, March 29, 1909.

To the Honorable Legislature of Texas:

We, the undersigned citizens of Shackelford county, Texas, do hereby petition the said honorable body that you enact some law by which you repeal all laws passed by you at the present session of the Legislature, and adjourn at once, and stop the expense to the State.

Numerously signed.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 2, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Prayer by the Chaplain of the House of Representatives, Rev. W. J. Joyce.

Pending the reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with.

"

BILLS AND RESOLUTIONS.

By Senators Watson and Hume:

Senate bill No. 88, A bill to be entitled "An Act amending Section 37 of an act

passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State; and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

(By unanimous consent, after the morning call was concluded.)

By Senator Willacy:

Senate bill No. 89, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, blackknot, or any tree, shrub or plant infested with or by the San Jose scale, white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employes to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated; and providing the manner of such treatment and destruction, and for certain investigations by the Commissioner of Agriculture; providing the manner of combating such diseases and pests; and preventing their spread and dissemination; providing for the inspection of orchards, nurseries, forest trees and greenhouse plants, and giving certificates to that effect; regulating alien individuals and alien nursery companies or corporations doing business in this State; regulating the importation of trees, shrubs, plants and all nursery stock from without the State, and regulating their transportation within the State; forbidding the selling, consignment or shipping of nursery stock, cuttings, plants, shrubs, forest trees, evergreens, ornamentals and cut flowers without such certificate; providing for the fumigation of certain trees, shrubs and plants; defining a nursery and nursery stock; defining an agent for a nursery or nursery stock; defining a dealer in nursery stock; defining being in the nursery business; authorizing the Commissioner of Agri-

culture to adopt rules and regulations, and to appoint a chief inspector of trees, shrubs and plants for this State, and prescribing and defining the qualifications of such chief inspector, and to employ other assistants, agents and experts and fixing their compensation: fixing fees for inspection; fixing penalties for violation of any of the provisions of this act, and directing the disposal of the penalties collected under the provisions of this act; fixing the duties of city administrations, owners of parks and city residences, to obey rules and regulations of the Commissioner of Agriculture, and to co-operate with the Commissioner of Agriculture; provided, that agents for nurseries shall have credentials and define their duties; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

SENATE BILL NO. 12.

The Chair laid before the Senate, on second reading and unfinished business,

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensation of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

(Section 6.)

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 6, page 3, the following: "Provided, however, that the official shorthand reporter shall when requested by the party appealing prepare, under the direction of the party appealing, a statement of facts in narrative form in duplicate, and deliver same to the party appealing, for which said statement of facts he shall be paid the sum of 5 cents per folio of 100 words for the original

copy, and no charge shall be made for the duplicate copy."

(Section 7.)

Senator Harper offered the following amendment:

Amend the bill by striking out Section 7, pages 3 and 4, and substitute the following:

"Section 7. When an appeal is taken from the judgment rendered in any cause in any district court or county court, the parties to the suit shall be entitled to and they are hereby granted, thirty days after the day of adjournment of court in which to prepare and file a statement of facts and bills of exception; and upon good cause shown, the judge trying the cause may extend the time in which to file a statement of facts and bills of exception; provided, that the time so granted shall not exceed ninety days from the day of adjournment.

STURGEON,
HARPER,
COFER.

Senator Meachum offered the following amendment to the amendment:

Amend the bill by striking out all beginning with "and" after the word "provided" and insert in lieu thereof the following: "Provided, that the court trying such cause shall have power in term time or in vacation, upon the application of either party, for good cause, to extend the several times as hereinbefore provided for the preparation and filing of the statement of facts and bills of exceptions, but the same shall not be so extended so as to delay the filing of the statement of facts, together with the transcript of the record, in the appellate court within the time prescribed by law, and when the parties fail to agree upon a statement of facts, and that duty devolves upon the court, the court shall have such time in which to do so, after the expiration of the thirty days as hereinbefore provided as the court may deem necessary, but the court, in such case, shall not postpone the preparation and filing of such statement of facts and bills of exceptions so as to delay the filing of the same, together with a transcript of the record in the appellate court within the time prescribed by law."

The amendment to the amendment was adopted by the following vote:

Yeas—19.

Adams.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Hayter.	Senter.
Hudspeth.	Stokes.
Kellie.	Ward.
Masterson.	Willacy.
Mayfield.	

Nays—7.

Alexander.	Sturgeon.
Brachfield.	Watson.
Holsey.	Weinert.
Real.	

Absent.

Hume.	Terrell of McLennan.
Terrell of Bowie.	Yeale.

The amendment, as amended, was then adopted.

Senator Senter offered the following amendment:

Amend the bill, Section 7, by adding at the end of said section the following words: "Provided, if the term of said court may, by law, continue more than eight weeks, said statement of facts shall be filed within twenty days after notice of appeal is given unless the court shall by order entered in record in said cause extend the time for filing such statement."

(Senator Willacy in the chair.)

Senator Cofer offered the following amendment to the amendment:

Amend the amendment by striking out the words "notice of appeal is given," and insert "the appeal is perfected."

Senator Senter moved to table the amendment to the amendment.

The motion to table was lost by the following vote:

Yeas—13.

Alexander.	Paulus.
Bryan.	Peeler.
Hayter.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Watson.
Masterson.	

Nays—14.

Brachfield.	Holsey.
Cofer.	Mayfield.
Greer.	Meachum.
Harper.	Murray.

Sturgeon. Ward.
Veale. Weinert.
Terrell of Bowie. Willacy.

Absent.

Adams. Terrell of McLennan.
Stokes.

The amendment to the amendment was adopted.

Senator Cofer offered the following amendment to the amendment, as amended:

Amend the amendment by adding after "statement of facts" the words "bills-of exception."

The amendment to the amendment was adopted.

The amendment, as amended, was then adopted.

Senator Cofer offered the following amendment, which was read and adopted:

Sec. 7. Amend by adding another paragraph, as follows:

"Statement of facts in cases taken up on writ of error shall in all cases be filed within thirty days after the perfection of the writ of error."

(Section 8.)

Senator Holsey offered the following amendment:

Amend the bill on pages 4 and 5 by striking out all of Section 8, beginning with the word "provided," in line 11, page 4.

Senator Watson moved to table the amendment, which motion was adopted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill, Section 8, page 4, line 10, by striking out the word "fifteen" and insert in lieu thereof the following: "Five."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by adding to Section 8 the following: "Provided, that when any criminal case is appealed and the defendant is not able to pay for a statement of facts, or to give security therefor, he may make affidavit of such facts, and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in civil cases, but the stenographer shall receive no pay for same; provided, that should any such affidavit so made by such defendant be false he shall be prosecuted and punished

as is now provided by law for making false affidavits.

TERRELL of Bowie,
HARPER,
STURGEON,
COFER.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the printed bill by striking out of line 14, page 4, the following words: "The sum of two dollars per day."

And strike out in line 15, page 4, the following words: "Above provided for together with."

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "manner," in line 22, page 4, the following words: "At less expense."

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill, Section 8, page 4, line 6, by inserting after the word "appointed" the following: "To be computed by including every day from day of convening until final day of adjournment excepting Sundays."

(Section 9.)

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill, Section 9, by adding after the word "thereof," in line 8, the following: "Either in question and answer form or in notaries form."

Senator Watson offered the following amendment, which was read and adopted:

Amend Section 9, by adding after the word "for," in line 9, the following: "At the rate of 10 cents per value of one hundred words."

(Section 12.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting a new section after Section 12 of the printed bill and number the section properly and renumber following sections to correspond. Said section to read as follows:

"Section —. Whenever either party to a civil cause pending in the county court shall apply therefor, the judge of the court shall appoint a competent stenographer to report the oral testimony given in such cause. Such stenographer shall take the oath herein prescribed, and shall receive such compensation as the court may fix, to be not less than \$5.00 per day, which shall be taxed and collected as costs. The pro-

visions of this act with respect to the preparation of the statement of facts, the time to be allowed therefor, and for the presentation to the opposite party, and the approving and filing thereof by the court shall apply to all statements of facts in civil causes tried in the county court."

There being no other amendments by sections, amendments to the whole bill were announced in order.

Senator Alexander offered the following amendment:

Amend the bill by striking out the word "be," in line 16, page 1 of the printed bill.

ALEXANDER,
TERRELL of McLennan,
MURRAY,
WARD,
PAULUS,
REAL,
VEALE,
MAYFIELD,
STURGEON,
STOKES,
WEINERT,
KELLIE,
BRACHFIELD.

Laid on table subject to call.

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 8 as amended:

"In any civil case where the appellant or plaintiff in error has made the proof required to appeal his case without bond, such appellant or plaintiff in error may make affidavit of such facts, and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in other cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such appellant or plaintiff in error be false he shall be prosecuted and punished as is now provided by law for making false affidavits."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting after word "answers," in line 11, page 3, the following words: "Provided the same is requested by either party to the suit."

ALEXANDER,
TERRELL of Bowie.

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 13 by adding: "Pro-

vided, the provisions of this act as to preparing and filing statements of facts and bills of exceptions shall apply only to cases hereafter tried; as to cases heretofore tried the law now in force shall govern."

Pending discussion on the bill, Senator Terrell of Bowie moved to reconsider the vote by which amendment No. 18, by Senator Cofer, which amended Section 8, page 4, line 6, was adopted.

The motion to reconsider prevailed.

On motion of Senator Terrell of Bowie, the amendment was then tabled.

Action then recurred on the amendment to strike out the enacting clause.

Senator Watson moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Adams.	Masterson.
Bryan.	Peeler.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.

Nays—13.

Alexander.	Perkins.
Brachfield.	Real.
Greer.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Veale.
Murray.	Ward.
Paulus.	

Absent.

Meachum.

Senator Bryan moved that the bill be recommitted to a committee of three Senators to be appointed by the Chair.

Senator Watson moved to table that motion.

Senator Mayfield moved that the Senate recess until 3 o'clock today.

The motion was lost by the following vote:

Yeas—7.

Brachfield.	Mayfield.
Greer.	Murray.
Holsey.	Paulus.
Kellie.	

Nays—22.

Adams.	Cofer.
Alexander.	Harper.
Bryan.	Hayter.

Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Peeler.	Veale.
Perkins.	Ward.
Real.	Watson.
Senter.	Weinert.
Stokes.	Willacy.

Absent.

Meachum.

Action then recurred on the motion by Senator Watson to table the motion by Senator Bryan to recommit the bill to a special committee.

The motion to table prevailed.

Senator Holsey then moved that the Senate recess until 3 o'clock today.

The motion was lost.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—17.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Masterson.	

Nays—12.

Brachfield.	Perkins.
Bryan.	Real.
Greer.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Veale.
Murray.	Ward.

Absent.

Meachum.

Senator Watson moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—21.

Adams.	Masterson.
Alexander.	Paulus.
Cofer.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Sturgeon.

Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.
Watson.	

Nays—8.

Brachfield.	Mayfield.
Bryan.	Murray.
Greer.	Veale.
Holsey.	Ward.

Absent.

Meachum.

Senator Watson moved that the bill, as amended, be printed in the Journal of today.

The motion was adopted.

Following is the bill as amended:

An Act providing for the appointment of official shorthand reporters for district courts by the judges thereof to report cases; providing for the time and method of making and filing type-written transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensation of such official shorthand reporter; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of preserving a record in all cases for the information of the court, jury and parties, the judges of the district courts in all judicial districts of this State composed of only one county, or of only a portion of one county and of all other district courts sitting in the same counties therewith may appoint official shorthand reporters for such courts, who shall be well skilled in their profession, who shall be sworn officers of the courts, and shall hold their office during the pleasure of the court. In all other judicial districts the district judges thereof may appoint official shorthand reporters if in their judgment such appointment is necessary, and in the event of such appointment the terms of this act shall apply.

Sec. 2. Before any person is appointed an official shorthand reporter under the provisions of this act he shall be examined as to his competency by a committee to be composed of at least three members of the bar practicing in

said court, such committee to be appointed by the judge thereof. The test of competency of any applicant for the position of official shorthand reporter shall be as follows: The applicant shall write in the presence of such committee at the rate of at least 120 words per minute for five consecutive minutes from questions and answers not previously written by him, and in computing the number of words written the words "Questions" and "Answers" appearing in the official shorthand reporter's transcript shall not be counted, and shall transcribe the same with accuracy. If the applicant passes this test satisfactorily, a majority of the committee shall furnish him with a certificate of that fact, which shall be filed among the records of the court, and shall be recorded by the clerk of the court in the minutes thereof. Upon the occasion of subsequent appointments the presentation of a certified transcript from the clerk of the court of the certificate above mentioned shall be taken as prima facie evidence of the applicant's competency; provided, however, that if the applicant shall have been an official stenographer of any district court of this State for not less than two years prior to the filing of his application for said appointment, then such examination by said committee, as herein provided, shall not be necessary.

Sec. 3. Before any person shall assume the duties of official shorthand reporter under the provisions of this act, he shall, in addition to the oath required of officers by the Constitution, subscribe to an oath, to be administered to him by the clerk of any district court, to the effect that he will well and truly and in an impartial manner keep a correct record of all evidence offered in any case which may be reported by him, together with the objections and exceptions thereto which may be interposed by the parties to such suit, and the rulings and remarks of the court in passing on the admissibility of such testimony.

Sec. 4. It shall be the duty of the official shorthand reporter to attend all sessions of the court; to take full shorthand notes of all oral testimony offered in every case tried in said court together with all objections to the admissibility of testimony, the rulings and remarks of the court thereon, and all exceptions to such rulings. If during the trial of any cause, either party thereto or his attorney, shall desire to have the evi-

dence already adduced upon the trial, or any part thereof, read over to him, he shall request such official shorthand reporter to read the same from his notes, and it shall be the duty of such reporter to comply with such request, and in case he shall fail or refuse so to do, he shall be removed from his official position as court reporter, in case it shall be found by a committee of three disinterested practicing attorneys of the county wherein such failure or refusal occurred, to be appointed by the court, that such failure or refusal was intentional and without justification; to preserve all shorthand notes taken in said court for future use or reference for at least one year, and to furnish to any person a transcript in question-and-answer form of all such evidence or other proceedings, or any portion thereof, upon the payment to him of the compensation hereinafter provided.

Sec. 5. In case an appeal is taken from the judgment rendered in any case, the official shorthand reporter shall, unless otherwise directed by all parties to the cause or their attorneys, transcribe the testimony and other proceeding recorded by him in said case in the form of questions and answers, providing the same is requested by either party to the suit, certifying that such transcript is true and correct, and shall file the same in the office of the Clerk of the Court within such reasonable time as may be fixed by written order of the court, said transcript to be paid for by the party appealing on delivery, and the amount so paid taxed as costs.

Sec. 6. Upon the filing in the office of the clerk of the court by the official shorthand reporter of his transcript as provided in Section 5 of this act, the party appealing shall prepare or cause to be prepared a statement of facts in duplicate, which shall consist of the evidence adduced upon the trial, both oral and by deposition, stated in a succinct manner and without unnecessary repetition, together with copies of such documents, sketches, maps and other matters as were used in evidence. It shall not be necessary to copy said statement of facts in the transcript of the clerk on appeal, but the same shall, when agreed to by the parties and approved by the judge, or in the event of a failure of the parties to agree and a statement of facts is prepared and certified by the judge trying the case, be filed in duplicate with the clerk of the court and the original thereof shall be

sent up as a part of the record in the cause on appeal. Provided, however that the official shorthand reporter shall, when requested by the party appealing, prepare under the direction of the party appealing a statement of facts in narrative form, in duplicate, and deliver same to the party appealing, for which said statement of facts he shall be paid the sum of five cents per folio of 100 words for the original copy and no charge shall be made for the duplicate copy.

Sec. 7. When an appeal is taken from the judgment rendered in any cause in any district court or county court, the parties to the suit shall be entitled to and they are hereby granted thirty days after the day of adjournment of court in which to prepare and file a statement of facts and bills of exception; and upon good cause shown the judge trying the cause may extend the time in which to file a statement of facts and bills of exception. Provided, that the court trying such cause shall have power in term time or in vacation, upon the application of either party, for good cause, to extend the several times as hereinbefore provided for the preparation and filing of the statement of facts and bills of exception, but the same shall not be so extended so as to delay the filing of the statement of facts, together with the transcript of the record, in the appellate court within the time prescribed by law, and when the parties fail to agree upon a statement of facts, and that duty devolves upon the court the court shall have such time in which to do so, after the expiration of the thirty days as hereinbefore provided, as the court may deem necessary, but the court, in such case, shall not postpone the preparation and filing of such statement of facts and bills of exceptions so as to delay the filing of same, together with a transcript of the record in the appellate court within the time prescribed by law. Provided, if the term of said court may by law continue more than eight weeks, said statement of facts and bills of exception shall be filed within twenty days after the appeal is perfected unless the court shall by order entered of record in said cause extend the time for filing such statement, and bills of exception. Statement of facts in cases taken up on writ of error shall in all cases be filed within thirty days after the perfection of the writ of error.

Sec. 8. The official shorthand reporter shall receive a per diem compensation

of \$5.00 for each and every day he shall be in attendance upon the court for which he is appointed, to be paid monthly by the commissioners court of the county in which said court sits, out of the general fund of the county, upon the certificate of the district judge. He shall also receive from persons ordering transcripts of his notes the sum of ten cents per folio of one hundred words; provided, that in judicial districts composed of more than one county the official shorthand reporter shall, while attending sessions of the court away from the county of his residence, receive in addition to the per diem three cents per mile for each mile he may travel in going to and returning from said courts, where he travels by rail, and the sum of fifteen cents per mile when he travels otherwise than by rail; provided further, that in reckoning the distances the nearest practical route shall be the distance for which he is entitled to charge, and that said official shorthand reporter shall in all cases travel by rail where he can reach the county seat in that manner, at less expense, which said sums are to be paid at the adjournment of each term of the district court in the several counties composing the district; provided further, however, that if, in any district composed of two or more counties, the said official shorthand reporter shall, within the judgment of the court, have rendered more services to the court in the discharge of his duties than the terms of this bill shall provide for, then, and in that event the district judge shall certify to the commissioners court of each county in his district, six months after the taking effect of this act, and at the end of every six months thereafter, whether or not in his judgment the compensation is commensurate with the services performed, and if not, that the certificate of said judge shall state the amount that in his judgment the said official shorthand reporter should receive from each of the counties in the district, and same shall be a claim against the county, to be allowed, or rejected, by the commissioners court as other claims against the counties. Provided, that when any criminal case is appealed and the defendant is not able to pay for a statement of facts, or to give security therefor, he may make affidavit of such facts, and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in civil cases, but

the stenographer shall receive no pay for same, provided that should any such affidavit so made by such defendant be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

In any civil case where the appellant or plaintiff in error has made the proof required to appeal his case without bond, such appellant or plaintiff in error may make affidavit of such facts and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in other cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such appellant or plaintiff in error be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

Sec. 9. At the request of any person it shall be the duty of the official shorthand reporter to make a transcript in typewriting of all the evidence and other proceedings, or any portion thereof, either in question and answer form or in narrative form, in any case, which transcript shall be paid for at the rate of ten cents per folio of 100 words by and be the property of the person ordering the same.

Sec. 10. Hereafter the clerks of all courts having official shorthand reporters as provided for in this act shall tax as costs in each civil case now or hereafter pending in such courts, except suits for the collection of delinquent taxes, and except suits which are not contested, in which cases the imposition of the stenographer's fee herein provided for shall be within the discretion of the court, a stenographer's fee of three dollars, which shall be paid as other costs in the case, and which shall be paid by said clerk, when collected, into the general fund of the county in which said court sits, except cases in which the district court has not original jurisdiction.

Sec. 11. The official shorthand reporter may, with the consent of the court, appoint one or more deputies when necessary to assist him in the discharge of his duties, provided, however, that before any such deputy shall enter upon the discharge of his duties as official shorthand reporter he shall subscribe to the same oath hereinbefore provided for for the official shorthand reporter and shall also be required to stand such

examination as to his proficiency as may be required by the court.

Sec. 12. It shall be the duty of each official shorthand reporter to file with the district clerk of each county of his district annually upon the first Monday in January an itemized statement, verified by affidavit, showing all sums collected by him as per diem or other compensation during the preceding year, giving the name of the person paying each sum and the date of payment of same.

Sec. —. Whenever either party to a civil cause pending in the county court shall apply therefor, the judge of the court shall appoint a competent stenographer to report the oral testimony given in such cause. Such stenographer shall take the oath herein prescribed, and shall receive such compensation as the court may fix, to be not less than taxed and collected as costs. The provisions of this act with respect to the preparation of the statement of facts, the time to be allowed therefor, and for the presentation to the opposite party, and the approving and filing thereof by the court shall apply to all statements of facts in civil causes tried in the county court.

Sec. 13. That Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, providing for the appointment of court stenographers, prescribing their duties and regulating their charges, and all other laws or parts of laws in conflict with this act, be and the same are hereby expressly repealed; provided, however, that nothing in this act shall be so construed as to prevent parties from preparing statements of facts on appeal independent of the transcript of the notes of the official shorthand reporter. Provided, the provisions of this act as to preparing and filing statement of facts and bills of exception shall apply only to cases hereafter tried; as to cases heretofore tried the law now in force shall govern.

Sec. 14. In the trial of all criminal cases in the district court in which the defendant is charged with a felony, the official shorthand reporter shall keep an accurate stenographic record of all the proceedings of such trial in like manner as is provided for in civil cases, and should an appeal be prosecuted in any judgment of conviction whenever the State and defendant can not agree as to the testimony of any witness, then and in such event so much of the transcript of the official shorthand reporter's

report with reference to such disputed fact or facts shall be inserted in the statement of facts as is necessary to show what witnesses testified to in regard to the same, and constitute a part of the statement of facts, and the same rule shall apply in the preparation of bills of exceptions; provided, that such stenographer's report, when carried into the statement of facts or bills of exceptions, shall be condensed so as not to contain the questions and answers, except where, in the opinion of the judge such questions and answers may be necessary in order to elucidate the fact or question involved; provided, that in all cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, that the official shorthand reporter shall be required to furnish the attorney for the said defendant, if convicted, and where an appeal is prosecuted, with a transcript of his notes, for which said service he shall be paid, by the State of Texas, upon the certificate of the district judge, one-half of the rate provided for herein in civil cases.

Sec. 15. The fact that the present law relating to the appointment of official stenographers does not provide a proper standard of competency and does not provide a sufficient length of time in which to prepare and file statements of facts and bills of exceptions in cases on appeal, thereby causing confusion and dissatisfaction, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

(Lieutenant Governor Davidson in the chair.)

RESOLUTION.

By Senator Murray:

Whereas, The cost of printing the Senate Journal seems to be a problematic proposition and no definite information is now within the possession of this Senate; therefore, be it

Resolved by the Senate, That the President of the Senate appoint a committee of three to make an investigation with reference to the printing of the Senate Journals, the cost incurred therein, and the probable cost of printing the bound volumes of the Regular and Called Sessions of the Senate, and of such other matters as may in the judgment of the committee be deemed advisable and nec-

essary and report the same back to the President of this Senate at the earliest practicable date.

The resolution was read and adopted.

The Chair appointed the following as the committee provided for in the above resolution: Senators Murray, Weinert and Willacy.

RECESS.

Senator Veale moved that the Senate adjourn until Monday morning at 10 o'clock.

Senator Sturgeon moved that the Senate recess until 3 o'clock p. m. today.

Action being on the longest time, the motion to adjourn until Monday morning at 10 o'clock was lost by the following vote:

Yeas—1.

Stokes.

Nays—28.

Adams.
Alexander.
Brachfield.
Bryan.
Cofe.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.

Murray.
Paulus.
Peeler.
Perkins.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Meachum.

The motion to recess until 3 o'clock p. m. today was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 20.

The Chair laid before the Senate, on third reading and regular order,

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated by any of the States of the United States."

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Meachum.	

Nays—2.

Holsey. Mayfield.

Absent.

Harper.	Terrell of Bowie.
Perkins.	Veale.
Stokes.	

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 2.

On motion of Senator Cofer, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order,

Senate Concurrent Resolution No. 2, by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—1.

Holsey.

Absent.

Harper.	Terrell of Bowie.
Stokes.	Veale.

The Chair laid before the Senate Senate Concurrent Resolution No. 2, Providing for printing of Legislative Manuals for use of members and officers.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

Senator Cofer moved to reconsider the vote by which the resolution was adopted and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 87.

On motion of Senator Terrell of McLennan, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 87, by the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Senter.	Terrell of Bowie.
Stokes.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads

and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264 passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of McLennan the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Paulus.	Terrell of Bowie.
Stokes.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Stokes.	Veale.
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Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

On motion of Senator Alexander, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order, Senate bill No. 4, by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Nays—1.

Meachum.

Absent.

Stokes.	Veale.
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The Chair laid before the Senate, on second reading,

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositor's guarantee fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefits of said fund; fixing the amount to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administering of said fund, authorizing certain advertising privileges to such banks and providing a penalty for the unauthorized use of such advertising privileges, and declaring an emergency."

There being an adverse majority committee report, recommending a favorable substitute bill, and a favorable minority committee report,

Senator Senter moved to adopt the majority committee report, and

Senator Alexander moved, as a substitute, to adopt the minority committee report.

(President Pro Tem. Brachfield in the chair.)

RECESS.

Senator Watson moved that the Senate recess until 9 o'clock tomorrow, and

Senator Sturgeon moved, as a substitute, that the Senate recess until 8 o'clock tonight.

Senator Alexander moved that the Senate recess until 10 o'clock tomorrow morning.

Action being on the longest time first, the motion to recess until 10 o'clock tomorrow morning was lost.

Action then recurred on the motion to recess until 9 o'clock tomorrow morning, and the same was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 25.

On motion of Senator Brachfield, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 25, by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—1.

Masterson.

Present—Not Voting.

Hudspeth.

Absent.

Bryan.	Perkins.
Hume.	Senter.

The Chair laid before the Senate, on second reading,

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

There being a favorable majority committee report, with amendments, and an adverse minority committee report,

Senator Brachfield moved to adopt the majority committee report, which motion prevailed.

Senator Terrell of McLennan offered the following amendment:

Amend the bill, page 3, Section 5, line 4, by striking out all of said Section after the word "time," in line 4.

TERRELL of McLennan,
HUDSPETH,
WATSON.

The amendment was read, and lost by the following vote:

Yeas—10.

Cofer.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Paulus.	Willacy.

Nays—16.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Greer.	Peeler.
Harper.	Real.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Veale.

Absent.

Bryan.	Senter.
Perkins.	Stokes.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 10, Section 17, line 18, by striking out the following words: "Transacting what is known as an inter-insurance business."

HUDSPETH,
ALEXANDER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting a semicolon in

lieu of the period at the end of Section 6, and by adding the following to Section 6: "Provided, that nothing herein shall be construed to deny the right of any company to reduce its rates to conform with any lower rate established by said board, applying to the same character of risks."

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by striking out of line 26, page 8, the following: "Section 17," and insert in lieu thereof the following: "Section 18."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, page 3, Section 6, by adding thereto the following: "Provided, that said board shall never make a higher rate than the schedule published by said companies."

TERRELL of McLennan,
HUDSPETH,
WATSON.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the bill by inserting after the word "schedules" in line 29, page 3 of the printed bill, the following: "Subject to the provisions of Section 6 hereof."

Senator Terrell of McLennan offered the following amendment, which was read and adopted:

Amend Section 5, page 2, line 32, of the bill by striking out the word "ten" and inserting in lieu thereof the word "thirty."

TERRELL of McLennan,
HUDSPETH,
WATSON.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the printed bill by striking out in line 30, page 2, the following: "chang," and insert in line thereof the word "change."

Senator Terrell of McLennan offered the following amendment:

Amend the bill, page 2, line 19, Section 3, by striking out all of said section after the word "annum," in line 19.

TERRELL of McLennan,
HUDSPETH,
WATSON.

(Senator Willacy in the chair.)

The amendment was read and lost by the following vote:

Yeas—11.

Adams.
Brachfield.
Harper.
Hudspeth.
Hume.
Masterson.

Murray.
Paulus.
Terrell of McLennan.
Ward.
Watson.

Nays—16.

Alexander.
Bryan.
Cofer.
Greer.
Hayter.
Holsey.
Mayfield.
Meachum.

Peeler.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Vale.
Weinert.
Willacy.

Absent.

Kellie.
Perkins.

Stokes.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by striking out Section 2, page 1, and insert the following: "Section 2. Every fire insurance company organized under the laws of this State hereafter granted a certificate of authority to transact business in this State shall be deemed to have accepted such certificate and to transact business thereunder upon the condition that it consents to the terms and provisions of this act, and that it agrees to transact its business in this State subject thereto."

BRACHFIELD,
HARPER.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 24, Section 4, by striking out the words after the word "than," in said line, "sixty days," and inserting "January 1, 1910."

BRACHFIELD,
HARPER.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by inserting the following words after the word "the," in line 1, page 2: "State representative or representatives or."

BRACHFIELD,
HARPER.

Bill read second time, and ordered engrossed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its third reading and final passage, by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Perkins. Senter.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Perkins. Terrell of McLennan.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

SENATE BILL NO. 64.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 64, by the following vote:

Yeas—27.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Perkins. Terrell of McLennan.
Terrell of Bowie.

The Chair laid before the Senate, on second reading,

Senate bill No. 64, A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State; providing appropriation to carry this law into effect, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Masterson.	

Nays—1.

Ward.

Absent.

Perkins. Terrell of Bowie.
Senter. Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Real.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Willacy.
Mayfield.	

Nays—2.

Meachum.	Watson.
	Absent.
Perkins.	Terrell of McLennan.
Senter.	Weinert.
Terrell of Bowie.	

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 74.

On motion of Senator Stokes, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 74, by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Weinert.
Kellie.	Willacy.
Masterson.	

Nays—3.

Hume.	Watson.
Murray.	

Absent.

Perkins.	Terrell of Bowie.
Senter.	Terrell of McLennan.

The Chair laid before the Senate, on second reading,

Senate bill No. 74, A bill to be entitled "An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation, and declaring an emergency."

The committee report, with amendments, was adopted.

Senator Stokes offered the following amendment, which was read and adopted: Amend Senate bill No. 74 by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. It shall be the duty of the Commissioner of Agriculture to prepare and make public reports on the present system of irrigation now in operation in this State; the cost of maintenance and operation of same, the character and kind of irrigation plants which result in the greater saving to the users of water, the class and character of water contracts entered into by the various canal companies; he shall also inquire into the reasonableness and fairness of rates being charged for water by the various canal companies in this State and from time to time shall make public the result of his inquiries; he shall collect and publish statistics and other information regarding the irrigation of rice and other crops as may be of benefit in developing and collaborating a more efficient system of laws, safeguarding and defining the rights of users and sellers of water for irrigating purposes; and he shall make up and file an annual report on same with such recommendations he may deem beneficial to the industry which report shall be filed with the Governor, and transmitted to the Legislature.

"Sec. 2. The Commissioner of Agriculture is hereby empowered and authorized to employ a competent engineer and expert, possessing a practical knowledge of the application of irrigation to the raising of rice and other crops, for the purpose of assisting him in performing the duties required of him in Section 1 of this act.

"Sec. 3. The fact that there is now no means of collecting data on canal rates and that there is no member of the Department of Agriculture qualified to perform the duties above mentioned, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and this rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

KELLIE,
STOKES,
WILLACY.

Senator Stokes offered the following amendment, which was read and adopted:

Amend the caption so as to read as follows: "An Act to make it the duty of the Commissioner of Agriculture to inquire into the present system of irrigation as applied to the rice industry and other products, the character of rates and contracts used on irrigating canals, to make public his report from time to time, and to transmit same to the Governor and the Legislature; giving him power and authority to employ an engineer and expert to assist him when necessary in said work, and declaring an emergency."

STOKES,
KELLIE,
WILLACY.

Senator Kellie offered the following amendment:

Amend the bill by striking out the following words in Section 1, line 8: "Reasonableness and fairness of."

Senator Stokes moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—16.

Adams.	Holsey.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Veale.

Nays—8.

Hume.	Ward.
Kellie.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Absent.

Hudspeth.	Senter.
Murray.	Terrell of Bowie.
Perkins.	Terrell of McLennan.

Senator Kellie offered the following amendment, which was read and adopted:

Amend the bill by striking out the two last lines in Section 2, which read: "With such recommendations he may deem beneficial to the industry, which report shall be filed with the Governor."

Bill read second time, and ordered engrossed.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Nays—3.

Hume.	Watson.
Paulus.	

Absent.

Hudspeth.	Senter.
Perkins.	Terrell of Bowie.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—4.

Holsey.	Paulus.
Hume.	Watson.

Absent.

Hudspeth.	Senter.
Perkins.	Terrell of Bowie.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 82.

On motion of Senator Cofer, the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 82, by the following vote:

Yeas—24.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Real.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hudspeth.	Senter.
Mayfield.	Stokes.
Perkins.	Terrell of Bowie.

The Chair laid before the Senate, on second reading,

Senate bill No. 82, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

(Lieutenant Governor Davidson in the chair.)

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill by striking out Sections 14 and 15 and inserting in lieu thereof the following:

"Section 14. When such district has been created by order of the commissioners court of said county said court shall, by its written order, determine the amount of bonds to be issued by said district for the purposes designated in Section 13 of this act. The amount of bonds shall not exceed 10 per cent of the assessed value of the real estate in such district to be determined from the last assessment as shown by the assessment rolls of said county. Said court shall determine the time and place of holding the election, shall be governed by the laws of this State governing general elections, and the notice of such election shall be given by posting notices thereof at three public places, one of which should be at the courthouse of said county and two of said notices shall be posted within the limits of such district. The proposition and notices shall specify the purpose for which the bonds are to be issued, the amount of bonds, the rate of interest and the time the bonds shall be made payable, and no such bonds shall ever be issued to extend and be in force longer than the term of thirty

years from their date of issue and the order of the court. The proposition, the notices and the bonds themselves shall provide that one-thirtieth of the amount of said bonds shall be paid each year and that a sinking fund shall be created sufficient to pay the interest of said bonds annually as it accrues and to discharge one-thirtieth of each issue of bonds each year in serial order. No bond shall draw a rate of interest exceeding 5 per centum per annum. All ballots to be voted at said election shall have printed thereon, 'For the Road Bond,' or 'Against the Road Bond,' as the case may be, and such proposition to be voted upon shall be submitted to a vote of the resident property taxpayers who are electors of such district or territory to be affected thereby, and if said proposition shall receive in favor thereof a two-thirds vote of all electors voting thereon, then such road improvements shall be made accordingly, and the bonds of said district issued as authorized by this act, under the further direction of the county commissioners court.

"Section 15. At the time of the issuance of the bonds authorized by this act, the commissioners court of said county shall levy and cause to be assessed and collected a special road improvement tax in the same manner that other taxes are levied and collected upon all property subject to taxation in the said district as ascertained from the assessments made by the county assessor, and the said taxes shall be in amount sufficient to pay the interest upon said bonds as the same shall become due and to create an amount annually sufficient to discharge one-thirtieth of the principal amount of bonds issued, and the said commissioners court shall annually, after the collection of said special road improvement tax pay the interest upon said bonds that may be outstanding, and shall take up and cancel one-thirtieth of the amount of total issue of said bonds, provided that the retirement of any of said bonds shall be optional with the commissioners court of said county after the expiration of ten years, and said canceled bonds shall be sufficiently canceled and mutilated to show their payment, but shall not be destroyed, but shall be kept as evidence of their payment. All bonds which shall be issued under this act shall be approved by the Attorney General of the State of Texas; shall be signed by the county judge and countersigned by the county clerk; shall be registered by the

county treasurer before delivery and also registered by the Comptroller of the State of Texas. The county treasurer shall keep an account of the amount of principal and interest paid on each bond, and no bond shall be sold for less than par. He shall also be the custodian of all moneys realized from the sale of such bonds, and such moneys shall be deposited by him in the county depository, if there be one, and the interest accruing thereon shall be placed to the credit of such district. Such bonds shall be issued in the denomination of from one hundred to one thousand dollars each, as may be provided by the commissioners court, and shall have attached thereto interest coupons, those maturing one year, one coupon; those maturing two years, two coupons, and so on with the last bond to mature having thirty interest coupons, and all said bonds shall be known and styled 'Grayson County Road Bond,' and each district shall be numbered and shall be known and designated by its number both upon such bonds and upon the records of said county. The commissioners court of said county shall provide all necessary conveniences for the assessor and collector of taxes and for and by which the necessary taxes within said district or districts shall be assessed and collected for the payment of all interest and the final discharge of such bonds, and no taxes for such purpose shall ever be collected from any other property not included in such district. And the taxes so assessed and collected for such purpose in said district shall be known as district road tax for the district having the proper number, and none of the money collected for such purpose in such a district shall ever be used for improvements of any kind or character in any other portion of the county. The county assessor shall assess and the collector of taxes shall collect said taxes as other taxes are assessed and collected, and shall receive the same compensation therefor as is provided for the assessment and collection of State and county taxes."

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill by adding another section, to be known as Section 21, and to read as follows, and to be inserted just before emergency clause:

"Section 21. The political subdivisions as divisions herein created are hereby constituted bodies politic with power to sue and to be sued, implead and to

be impleaded, and to act as corporate bodies. Said political subdivisions shall enjoy the same immunity as a county from liability for torts and shall never be liable in any action in any court for any tort, whether of commission or omission."

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	

Absent.

Perkins.	Terrell of Bowie.
Senter.	Willacy.
Stokes.	

• The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	

Absent.

Perkins.	Terrell of Bowie.
Senter.	Willacy.
Stokes.	

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

Action here recurred on Senate bill No. 4, the question being on the motion by Senator Alexander to substitute the minority committee report for the majority committee report.

(Lieutenant Governor Davidson in the chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate Concurrent Resolution No. 2, Providing for printing of Legislative Manuals for use of members and officers, with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 2, Relating to the acceptance of the Adams Fund from the United States Government.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

ELECTION BULLETINS.

The Chair had the following read to the Senate:

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas.

Dear Sir: Messrs. A. H. Belo & Co., publishers of the Galveston-Dallas News, have authorized me to post in Austin tonight, bulletins of the election in the Second Senatorial District. If given permission, we will read or post these bulletins in the Senate Chamber. We would need the use of the telephone in the Sergeant-at-Arms' room for that purpose.

As the district is small and there are not a great many telegraph stations within it, it need not be expected that the bulletin performance will be continuous, but we shall try to get the results as early as possible.

Very truly yours,

TOM FINTY, JR.,

Staff Correspondent, The News.

The above was read, and

Senator Sturgeon moved that the request be granted, and Senator Terrell of Bowie amended the motion by thanking the managers of the Dallas-Galveston News for the service.

Both of the motions were adopted.

RECESS.

Senator Veale moved that the Senate recess until 3 o'clock.

The motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 64—VOTE RE-SCINDED AND BILL PASSED.

Senator Hudspeth here moved to rescind the vote by which the vote on the final passage of Senate bill No. 64 was reconsidered, and the motion to reconsider tabled.

The motion to rescind was adopted.

Senator Hudspeth moved to reconsider the vote by which Senate bill No. 64 was finally passed on today.

The motion was adopted.

Senator Hudspeth moved to reconsider the vote by which Senate bill No. 64 was ordered engrossed.

The motion to reconsider was adopted, which placed the bill back on second reading.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding the following independent line just after the word "emergency" and before Section 1, page 1: "Be it enacted by the Legislature of the State of Texas."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended.

ed, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Holsey.	Stokes.
Mayfield.	Terrell of McLennan.
Murray.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Holsey.	Stokes.
Mayfield.	Terrell of McLennan.
Murray.	Weinert.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4, the question being on the motion to substitute the minority committee report for the majority committee report.

Senator Watson moved that those favoring what is known as the Alexander bill be allowed until 6 o'clock today to discuss the bill, and that those favoring what is known as the Senter bill be allowed to print their remarks in the Journal.

The motion was ruled out, on a point of order by Senator Terrell of Bowie.

SENATE CONCURRENT RESOLUTION NO. 2—HOUSE AMENDMENTS CONCURRED IN.

Senator Cofer called up Senate Concurrent Resolution No. 2, Providing for printing of Legislative Manuals for use of members and officers,

And moved that the Senate concur in the following House amendments:

Amend by adding "the rules of the House and the committees of the two houses, both of the Regular and Called Sessions of the Thirty-first Legislature."

Add after "State Constitution" the words: "With amendments to date."

The motion to concur prevailed.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4, the question being on the motion to substitute the minority committee report for the majority committee report.

RECESS.

On motion of Senator Terrell of Bowie the Senate, at 8:50 o'clock, recessed until 8 o'clock tonight.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4, the question being on the motion to substitute the minority committee report for the majority committee report.

The motion to adopt the minority committee report was lost by the following vote:

Yeas—11.

Alexander.	Stokes.
Bryan.	Terrell of Bowie.
Harper.	Terrell of
Hayter.	McLennan.
Holsey.	Veale.
Mayfield.	Ward.

Nays—15.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Meachum.	Willacy.
Murray.	

PAIRED.

Senator Cofer (present), who would vote "yea," with Senator Weinert (absent), who would vote "nay."

Senator Watson (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

The majority committee report was then adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Meachum.	Willacy.
Murray.	

Nays—11.

Alexander.	Stokes.
Bryan.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

Senator Alexander offered the following amendment:

Amend the bill by striking out all after the word "act," line 12, page 6 of printed bill, and insert the following: "To create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration

of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges, and providing for savings departments for State banks, and declaring an emergency.

"Be it enacted by the Legislature of the State of Texas:

"Section 1. A State Banking Board is hereby created, which board shall be composed of the Governor, Lieutenant Governor, Commissioner of Insurance and Banking, Comptroller and Treasurer of this State. Said board shall have the control and management of the depositors' guaranty fund hereinafter provided for, and shall have the power to adopt all necessary rules and regulations, in harmony with this act, for the management of said fund.

"Sec. 2. Each and every corporation created, or which may hereafter be incorporated under the laws of this State with banking and discount privileges, shall pay to said Banking Board, providing its application is approved by said board hereinafter prescribed in Section 5 of this act within sixty days after this act shall take effect, 1 per cent of its daily average non-interest bearing individual deposits, for the preceding year, not including United States, State or other public funds, if otherwise secured, nor deposits of other banks and trust companies, for the purpose of creating a depositors' guaranty fund. Annually, after the first payment to said fund, each bank and trust company subject to the provisions of this act shall pay to said board one-fourth of 1 per cent of its daily average deposits, as above defined, which amount shall be added to said guaranty fund; provided, that when the amount available in said guaranty fund shall reach the sum of two million dollars the Bank Commissioner shall notify all bank and trust companies subject to this act, at least thirty days before the next annual payment, and thereafter the banks and trust companies participating shall not pay any further amount into said fund until said fund be depleted, and in the event of the depletion of said fund from any cause so that it falls below two million dollars, said board shall have authority to require the payment for the current year of the full 1 per cent of such average deposits, or such part thereof as may be necessary to restore said fund to the maximum above named, but no bank or trust company coming under the pro-

visions of this act shall ever be required to pay more than 1 per cent of said average daily deposits for any one year; provided further, that first payments herein provided for shall be made to said board without reference to said maximum sum.

"Sec. 3. The fund provided for herein shall be deposited with the State Treasurer and a separate account shall be kept thereof, and it shall be paid out on warrants of the Comptroller based on vouchers issued as may be prescribed by the said Banking Board, and said fund shall never be diverted from the purpose herein specified. The Treasurer may, and he shall on order of said Banking Board keep 50 per cent of the amount of said guaranty fund deposited in State depositories, subject to demand call of said board; provided, that 25 per cent of all payments required may be held by guaranteed banks as demand deposits, to the credit of said Banking Board.

"Sec. 4. State bank and trust companies organized subsequent to the taking effect of this law, on approval of their applications as provided for in Section 5 of this act, shall pay into said guaranty fund 2 per cent of the amount of their capital stock, which amount shall constitute a credit fund, subject to adjustment on the basis of their deposits as provided for other banks now existing, at the end of one year; provided, however, that said payment shall not be required of banks and trust companies formed by the reorganization or consolidation of banks that have previously complied with the terms of this act.

"Sec. 5. The State Banking Board shall admit to the benefits and protection of this act only such banks and trust companies as in their opinion are solvent and properly officered and conducted, and said board shall prescribe the form of application and statement which shall be made by each and every bank and trust company, and which shall be sworn to by two of the chief officers of the bank, blank copies of which application and statement shall be mailed to each State bank and trust company in this State at least ten days before this act requires the initial payment, and which shall be filled out, signed, sworn to and returned promptly to said board, and such copies shall be mailed to any other bank within this State on request. Should said board decline the application of any bank or trust company it shall state the grounds of such declination to such institution

and whether the objection can be removed, and the conditions thereof.

"Sec. 6. Any national bank in this State may voluntarily avail its depositors of the protection of the depositors' guaranty fund, upon the same terms, payments, conditions and in the same manner as herein provided for State banks.

"Sec. 7. Whenever any State bank or trust company shall become insolvent and shall voluntarily, or by law, or in any manner as provided in Chapter 10, Acts of First Called Session of the Twenty-ninth Legislature, come into the hands of the Commissioner of Insurance and Banking, he may proceed to wind up its affairs, either through a receiver or through some competent person, who shall give such bond as may be required by the board, payable to the board, for the faithful performance of all duties imposed upon him. Said bond may be recovered upon for the benefit of said guaranty fund.

"Sec. 8. In the event the Commissioner of Insurance and Banking shall take possession of any bank or trust company, subject to this act, as herein provided, the depositors of said bank or trust company, as specified in Section 2 of this act, shall be paid in full out of the cash in said bank or trust company and that can be made immediately available from such bank, and the remainder shall be paid out of the depositors' guaranty fund through the said board in the event the cash available in said institution shall be insufficient; provided, that deposits on which interest is being paid by said bank, its officers or stockholders, to the depositor and deposits otherwise secured, shall not be insured under this act, but shall only receive the pro rata amount which may be realized from the assets, resources and collections of and from such bank or trust company, its stockholders or directors.

"Sec. 9. The State shall have, for the benefit of the depositors' guaranty fund, a first lien upon all the assets of such bank or trust company, and all liabilities owing or accruing to such bank or trust company; provided, however, that any deposits on which said bank was paying interest and any other deposits not insured under this act and which are entitled to share in said assets, shall share in the dividends and proceeds of such assets and collections pro rata or as may be provided by law.

"Sec. 10. In the event the depositors' guaranty fund, or any part thereof,

shall be used by said Banking Board to pay off the depositors of a national bank which has accepted the provisions of this law, then the said Banking Board shall receive from the receiver or other officer in charge of said bank the pro rata share of the proceeds of the assets and collections which would be due to said depositors to the amount so paid by the Banking Board.

"Sec. 11. A proper certificate, showing a compliance with this act, shall be issued by the Commissioner of Insurance and Banking, to all banks and trust companies entitled thereto, which certificate shall be posted in a conspicuous place in said bank or trust company. Such bank or trust company may print or engrave upon its stationery and advertisements words to the effect that its depositors are protected by the depositors' guaranty fund of the State of Texas, and any person, or any officer or director of any bank or trust company engraving or printing a false statement as to this fact, or using such false statement upon its stationery or advertisements, shall be guilty of a felony, and shall be punished by imprisonment in the State penitentiary not less than two nor more than five years, on conviction thereof.

"Sec. 12. Any State bank or banking and trust company, incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the word 'savings' as part of its corporate name, or in or as a part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be so filed by banks or banking and trust companies maintaining savings departments and using the word 'savings' as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and to be filed by banks desiring to establish such savings departments after this act shall take effect prior to the estab-

lishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word 'savings' as above provided after this act shall take effect, or which, having such departments or so using the word 'savings' at the time this act shall take effect shall continue to maintain such departments or to so use the word 'savings' more than ninety days thereafter shall keep the business of such department entirely separate and distinct from the general business of the bank or banking and trust company and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to-wit:

"1. In bonds or interest-bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

"2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

"3. In bonds of the State of Texas or of any State in the Union that has not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

"4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

"5. In bonds or notes secured by first mortgage, deed of trust or other valid first lien on unincumbered improved real estate to run for a term not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws

of this State, certifying said bonds or notes to be first lien on the land mortgaged.

"It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above described, and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipt, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than 15 per cent of the whole amount of such deposits in actual cash, in such savings department.

"It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposit, as provided for in this section, at the option of the bank or banking and trust company, in case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors and the remainder, after they have been paid in full, shall be applied in payment of claims of general creditors. It shall be the duty of the president or vice-president and the cashier of each State bank or banking and trust company maintaining a savings department under the provisions of this section, to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month, a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits when the last preceding monthly statement, as herein provided for, is not conspicuously posted in the office or from where its business is transacted.

"The directors of any bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on its savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are

sufficient to pay any interest due upon any savings deposit such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general funds of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due and accrued on savings deposits and the legitimate expenses of such departments have been provided for. In computing the aggregate amount of the average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided for in Section 17 of this act, the deposits of its savings department, as provided in this section shall not be included. All such savings departments shall be governed by the terms and provisions of this act so far as same are applicable and are not in conflict with the special provisions of this section, and shall also be governed by such provisions of this section, and shall also be governed by such provisions of the laws of this State applicable to savings banks as are not in conflict with any provisions of this act or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors at any regular meeting or by the stockholders at any annual meeting, provided that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

"It shall be unlawful for any officer or director of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use or continue to use the word 'savings' as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in

any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage, or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any securities or other investment, or willfully and knowingly do or perform any act or transaction, by or as a result of which at any time the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least 15 per cent of which shall be actual cash in such savings department.

"Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

"Sec. 13. The fact that there is no law in this State providing for a fund for the protection of depositors in banks and trust companies creates an emergency which requires that the constitutional rule that bills be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted."

Senator Watson offered the following substitute for the amendment, which is known as the Senter-Hume bill:

A BILL

To be entitled

An Act to require each corporation organized under the laws of this State to do a banking business or to receive funds on deposit to file annually with the Superintendent of Banking for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such Superintendent, to secure the depositors in such bank or other depository at such time for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity, and authorizing any other person, firm or corporation doing a banking business in the State, or receiving funds on deposit, to take the benefit of the provisions of this act, and providing for the issuance of certificates, by the Superintendent of Banking, showing

compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another permit from the State, and that the makers or signers as sureties of any bond or policy of insurance or other guaranty of indemnity executed hereunder upon making payments thereunder shall be subrogated to the rights of the depositors for whose benefit such payments shall be made, and providing penalties for the violation of the provisions of this act and for their enforcement, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of each banking corporation, or other corporation receiving funds on deposit, created under the laws of the State of Texas and transacting business in the State, to file annually with the Superintendent of Banking a bond, policy of insurance, or other guaranty of indemnity in an amount equal to twice the amount of its capital stock, which said bond, policy of insurance or other guaranty of indemnity shall be for and inure to the benefit of all depositors. Such instrument and the security thereby provided shall be approved by the county judge of the county in which such business is domiciled, and by the Superintendent of Banking, and shall take effect and be in force from and after the time it is approved and filed in the office of the Superintendent of Banking. Every such corporation shall comply with the provisions of this act within thirty days after the time said act shall take effect, and every such corporation that may hereafter be incorporated shall comply with the provisions of this section before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act shall secure depositors at the time said bond is filed and approved,

and all deposits made during the period of twelve months thereafter.

Sec. 2. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of this act and to file with the Superintendent of Banking a bond, or policy of insurance, or other guaranty of indemnity. Any such corporation shall, in such event, file a bond, or policy of insurance, or guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas. Any such person or firm transacting the business of a private bank shall in such event file a bond or policy of insurance or other guaranty of indemnity in an amount equal to the average of the daily deposits with such person or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this act unless such person or firm shall have been engaged in such business in the State of Texas for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Superintendent of Banking such reports and statements concerning its deposits and concerning the solvency of such bond, or policy of insurance, or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance, or other guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided further, that such bond, policy of insurance or other guaranty of indemnity shall be approved by the county judge and the Superintendent of Banking, and filed with said Superintendent of Banking as provided for in Section 1 hereof.

Sec. 3. In the event of default by any person, firm or corporation transacting such business of receiving deposits which shall make, execute or file the bond, or policy of insurance, or other guaranty of indemnity provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Superintendent of Banking, when such default shall be made known to him, to report the same to the Attorney General of the State, and to give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond, or policy

of insurance, or other guaranty of indemnity, and upon the mailing of such notice the full amount of the same shall thereby become due and payable.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Superintendent of Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising, either from voluntary payment or otherwise, shall be payable to the Superintendent of Banking and shall be by him promptly paid over pro rata to unpaid depositors upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed, and before payment thereof shall be approved by him.

In the event any maker or signer as sureties of such bond or policy of insurance or other guaranty of indemnity shall be a corporation incorporated under the laws of Texas and it shall refuse or fail to pay over upon demand therefor, as herein provided, the full amount due by it upon such bond or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General upon receiving notice thereof from the Superintendent of Banking to bring suit in the district court of Travis county, Texas, to forfeit such charter, and upon hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance, or other guaranty of indemnity, shall be a corporation incorporated elsewhere than in the State of Texas and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over on demand therefor by the Superintendent of Banking, as herein provided, the full amount of its liability upon any such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Superintendent of Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Superintendent of Banking and Commissioner of Insurance thereafter to refuse

any permit to said corporation to transact business in the State until it shall show to the satisfaction of such officers that it has fully discharged its liability upon such bond or policy of insurance or other guaranty of indemnity upon which default was thus made.

In the event such person, firm or corporation in default in the payment of a default lawfully demanded shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond, or policy of insurance, or other guarantee indemnity is not discharged, it shall be the duty of the Attorney General, or any district or county attorney acting at his instance, to bring suit upon such bond or policy of insurance or other guaranty of indemnity in the name of the Governor and for the benefit of all persons who may be beneficiaries thereof by reason of its terms and conditions. Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy of insurance or other guaranty of indemnity transacted such business at the time of the filing thereof. Any action upon such bond, or policy of insurance, or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

Sec. 4. Whenever any maker or signer of any bond, or policy of insurance, or other guaranty of indemnity other than the principal therein, shall be required under the provisions of this act to pay over for the benefit of the depositors with any person, firm or corporation, any sum or sums of money, such maker or signer making or participating in such payment shall thereby become subrogated to the rights of a depositor to the extent of the payment or payments so made, and entitled to assert such right in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such bond, or policy of insurance or other guaranty of indemnity.

Sec. 5. The Superintendent of Banking shall charge a fee of not to exceed \$20 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 1 and the examination of the solvency thereof and for the filing of the same shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any

other person, firm or corporation permitted to file such bond, or policy of insurance, or other guaranty of indemnity under the provisions of this act.

Sec. 6. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

The State of Texas,

County of

Know all men by these presents: That we,, as principal, and and as sureties, are held and firmly bound unto the Governor of the State of Texas, and his successors in office in trust for the benefit of depositors in the sum of dollars, payable as provided by the law of Texas at the time of the execution hereof, conditioned that the above bound..... will pay upon demand, or in accordance with the certificates of deposit, to the persons entitled thereto all deposits in said bank at the date of said bond and all other deposits made therein during the period of one year from the date thereof. Upon payment of any sum or sums made obligatory by reason of the terms hereof, any surety herein making or participating in such payment shall thereby be subrogated to the rights of a depositor and entitled to assert such rights in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by the terms hereof.

Sec. 7. The security for the benefit of depositors provided for by this act may be divided into two or more bonds, policies of insurance, or other guaranties of indemnity, or any part thereof may be given in either of such forms of guaranty of indemnity provided that the aggregate thereof shall be equal to the total amount of the security required in accordance with the provisions of this act.

Sec. 8. Whenever the deposits of any corporation incorporated under the laws of Texas which shall have filed a bond, or policy of insurance, or other guaranty of indemnity with the Superintendent of Banking in accordance with the provisions of this act shall exceed five times the amount of its capital, it shall be its duty to furnish, in addition to the security theretofore so given, additional security for the protection of its depositors, which additional security shall consist of one or more bonds, or policies of insurance, or other guaranties of in-

demnity, as herein provided, in a sum or sums which shall, in the aggregate, be equal to the total amount of such excess of deposits above five times the amount of the capital of such corporation. In the event any such corporation shall refuse or fail to comply with the provisions of this section, after demand by the Superintendent of Banking, it shall be his duty to report the facts to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 9. If any corporation organized under the laws of this State to do a banking business or to receive funds on deposit shall fail or refuse to file the bond, or policy of insurance, or other guaranty of indemnity, provided for in Section 1 hereof, in accordance therewith, it shall be the duty of the Superintendent of Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 10. If at any time it shall appear to the Superintendent of Banking that any bond or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, he shall have the authority, and it shall be his duty, to require such corporation to file new or additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such, communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Superintendent of Banking and the Attorney General shall in such event have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws enacted at the First Called Session of the Twenty-ninth Legislature.

Sec. 11. The Superintendent of Banking shall issue to every person, firm or corporation acting hereunder and entitled thereto a proper certificate showing compliance with the provisions of this act and the amount and nature of the security furnished. Such person, firm or corporation, shall post such certificate conspicuously in its place of business, and may publish or advertise said certificate, or the facts recited therein; provided, any person, firm or corporation which shall falsely publish, advertise or represent, or cause to be falsely published, advertised, or represented any statement of compliance with the provisions of this act, or any false statement as to the terms of such certificate, or the facts recited in said certificate, shall be deemed guilty of a misdemeanor and shall be punished for each offense by fine not to exceed one thousand dollars.

Sec. 12. The fact that no adequate provision now exists for the execution and filing of bonds or other indemnities for the protection of depositors in banking, and other concerns receiving funds for deposit in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

The reading of the above amendment and substitute was dispensed with on motion of Senators Meachum and Watson.

The substitute for the amendment was adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Murray.	Willacy.
Meachum.	

Nays—11.

Alexander.	Stokes.
Bryan.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

The amendment, as substituted, was then adopted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out all of the caption after the words "A bill to be entitled" and insert in lieu thereof the following: An Act to require each corporation organized under the laws of this State to do a banking business or to receive funds on deposit to file annually with the Superintendent of Banking for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such superintendent, to secure the depositors in such bank or other depository at such time and for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity, and authorizing any person, firm or corporation doing a banking business in the State, or receiving funds on deposit, to take the benefits of the provisions of this act and providing for the issuance of certificates by the Superintendent of Banking showing compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another permit from the State, and that the makers or signers as sureties of any bond or policy of insurance or other guaranty of indemnity hereunder upon making payments thereunder shall be subrogated to the rights of the depositors for whose benefit such payments shall be made, and providing penalties for the violation of the provisions of this act and for their

enforcement, and declaring an emergency.

MASTERSON,
ADAMS,
PERKINS,
REAL,
MURRAY,
WATSON,
SENER,
HUME,
KELLIE,
PAULUS,
WEINERT,
HUDSPETH,
STURGEON,
WILLACY,
GREER,
PEELER.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out the words "Superintendent of Banking" wherever it may occur in the bill and insert in lieu thereof the following: "Commissioner of Insurance and Banking."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 3, Section 3, by adding after the word "payable," in line 11, the following: "In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond."

Senator Meachum offered the following amendment:

Amend the bill, Section 3, by adding at the end of said Section 3 the following: "In the event any person, firm, corporation or association of persons executing or signing the bond or guaranty herein provided for, shall transfer such portion of his or its property within four months prior to the service of the notice hereinabove provided for in case of default in the payment of the deposit lawfully demanded, as that his remaining property, over and above all lawful exemptions, would be insufficient to meet the requirements of the obligation in said bond or guaranty incurred and assumed, then, in such event, such transfer of said property shall be void as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preference lien upon the property so

undertaken to be transferred in favor of the State Superintendent of Banking as trustee for and on behalf of the lawful depositors of any such person, firm or corporation so making default in the payment of its depositor, or depositors, to the extent of any portion of any unpaid liability due and owing upon such bond or guaranty, provided that the satisfaction of such bond or guaranty as provided for in this act, and the terms of such bond, shall satisfy and discharge such preference lien hereinabove provided for."

Senator Watson offered the following amendment to the amendment:

Amend the amendment between the words "shall" and "transfer," in line 5, by adding the following: "With the intent to defraud or to prefer a creditor."

WATSON,
MASTERSON.

Senator Alexander moved the previous question on the amendment and the amendment to the amendment, which motion being duly seconded, was so ordered.

Action recurred on the amendment to the amendment, which was lost by the following vote:

Yeas—13.

Adams.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Murray.	Willacy.
Paulus.	

Nays—13.

Alexander.	Meachum.
Bryan.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

The vote being a tie, Lieutenant Governor Davidson voted "nay," and declared the amendment lost.

PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

The amendment was then adopted by the following vote:

Yeas—14.

Alexander.	Meachum.
Bryan.	Perkins.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Mayfield.	Ward.

Nays—12.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kellie.	Senter.
Masterson.	Sturgeon.
Murray.	Willacy.

PAIRED.

Senator Cofer (present), who would vote "yea," with Senator Weinert (absent), who would vote "nay."

Senator Watson (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 2, Section 1, line 8, by adding after the words "shall be for and insure to the benefit of all depositors" the following: "And shall be cumulative of any and all other security or liability whatsoever provided by law for the security of depositors."

Senator Meachum offered the following amendment:

Amend the bill, page 5, Section 3, line 14, by adding a comma instead of a period, after the word "thereof," and then insert the following: "Or in any county immediately adjacent thereto at the option of the Attorney General."

Senator Alexander moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

The amendment was then adopted.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—14.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Masterson.	Senter.
Meachum.	Sturgeon.
Murray.	Willacy.

Nays—10.

Alexander.	Harper.
Bryan.	Hayter.

Holsey. Terrell of McLennan.
Mayfield. Veale.
Terrell of Bowie. Ward.

PAIRED.

Senator Kellie (present), who would vote "yea," with Senator Stokes (absent), who would vote "nay."

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Paulus.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Willacy.

Nays—3.

Harper. Ward.
Veale.

Absent.

Stokes.

PAIRED.

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

The bill was read third time, and passed by the following vote:

Yeas—14.

Adams.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Masterson.	Senter.
Meachum.	Sturgeon.
Murray.	Willacy.

Nays—10.

Alexander.	Hayter.
Bryan.	Holsey.
Harper.	Mayfield.

Terrell of Bowie. Veale.
Terrell of McLennan. Ward.

PAIRED.

Senator Kellie (present), who would vote "yea," with Senator Stokes (absent), who would vote "nay."

Senator Cofer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate adjourned until 10 o'clock Monday morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No.

264, passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 64, A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State, providing appropriation to carry this law into effect, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 82, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county, and Chapter 65 of the Special Laws of said State, amendatory hereof, passed by the Thirtieth Legislature, at its Regular Session, providing for the creation of road districts in any political subdivision or any defined district hereafter to be described in said county, prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued; declaring the qualification of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for

such purpose; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as general laws of the State, making it cumulative of the General Laws of the State except when in conflict with this act, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 74, A bill to be entitled "An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation, and declaring an emergency,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

Committee Room,

Austin, Texas, April 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

Committee Room,

Austin, Texas, April 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 3, A bill to be entitled

"An Act to amend Article 529n of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature of the State of Texas; Article 529h of Chapter 98 of the acts of the Regular Session of the Twenty-fifth Legislature of Texas; Article 259g of Chapter 90 of the acts of the Regular Session of the Twenty-ninth Legislature of Texas; Article 2518c, 2518c½, 2518m, 529e, 529j, 529p of Chapter 128 of the acts of the Regular Session of the Thirtieth Legislature of Texas and adding thereto Article 5518k½, referring to licenses required of dealers in fish and oysters, and Article 259j½, referring to the screening of pumps, etc., and repealing all laws and parts of laws in conflict with the above, relating to the duties and powers of the Game, Fish and Oyster Commissioner, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend Article 2518c by striking out \$150 per month as the salary of the chief deputy, and inserting \$125 per month.

HARPER, Chairman.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 85, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas, and defining its boundaries, providing for the election of a board of trustees to buy, assess and collect a tax of not exceeding 50 cents on \$100 of all property in said district subject to taxation for all purposes, including maintenance of its schools," etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Bryan, Hume, Real, Weinert, Meachum.

(Floor Report.)

Austin, Texas, April 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 86, A bill to be entitled

"An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas, and defining its boundaries, providing for the election of a board of trustees thereof and defining their duties, powers and authority; authorizing said board of trustees to buy, assess and collect a tax of not exceeding 50 cents on \$100 of all property in said district subject to taxation for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district, and for equipping and furnishing the same, and to issue bonds for such building and purchasing and equipping and furnishing and for subdividing tax levies when made, and the funds when collected, and providing for elections and the proposition to levy taxes and issue such bonds, and providing that the trustees when elected and qualified shall take over and assume control of all the district school property and funds within and for the limits of the district and make use of same for public school purposes, and assume and pay all legal indebtedness and obligations now owned by or outstanding against Robert Lee High School corporation in Coke county, Texas, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon the independent school district and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only, under general laws, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Bryan, Hume, Real, Weinert, Meachum.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, April 5, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Hayter.
Bryan.	Holsey.
Cofer.	Hudspeth.

Huma.	Stokes.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Meachum..	Terrell of McLennan.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.
Senter.	

Absent.

Mayfield.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Stokes, the same was dispensed with.

There being no bills and resolutions, the Chair declared the morning call concluded.

SPECIAL COMMITTEE REPORT.

By Senator Terrell of Bowie:

Austin, Texas, April 5, 1909.

Hon. A. B. Davidson, Lieutenant Governor of Texas.

Sir: Your committee appointed to investigate and report upon the account of Tobin's Book Store for supplies sold by them for the use of the Senate during the Regular and First Called Sessions of the Thirtieth Legislature, beg leave to report as follows:

We find that for some reason, claimed by Tobin's Book Store to be a custom, that the account was not presented for payment until an hour after the close of that session of the Legislature.

We also find that practically all the supplies purchased for the use of the Senate in both the Regular and First Called Sessions of the Thirtieth Legislature were purchased from said Tobin's Book Store.

We further find that no part of said account for said supplies has been paid, as shown by letter of the Comptroller of Public Accounts hereto attached.

We beg to state that we have carefully examined said account and checked over same, and that we have stricken out and refused to allow payment for any items for which said Tobin's Book Store did not have an order signed by the Chairman of the Contingent Expense Committee of said Senate, or a receipt signed by the Sergeant-at-Arms of said Senate or his assistant; that after so auditing said account and passing on same to the best of our ability, we find that the

said Senate of the Thirtieth Legislature is indebted to said Tobin's Book Store on said account in the sum of eight hundred and ninety-nine and 54-100 (\$899.54) dollars as per account hereto attached.

We, therefore, recommend that said account be approved for said amount by the Lieutenant Governor to be paid out of the contingent expense fund now in the Treasury of the State of Texas to the credit of the Senate of the Thirtieth Legislature, and that the Comptroller of Public Accounts issue warrant on said fund for the payment of said amount upon the receipt of said account so approved by the Lieutenant Governor.

We further recommend that a copy of this report be printed in the Journal.

Respectfully submitted,

TERRELL of Bowie,
HOLSEY,
TERRELL of McLennan.

Comptroller's Department,
State of Texas.

Austin, Texas, January 16, 1909.

Hon. J. M. Terrell, Chairman Contingent Expenses, Senate Chamber.

Dear Sir: Replying to your request of 13th inst., asking to be furnished certified copies of the accounts of Tobin's Book Store, for which warrants were issued against the contingent expenses of the Senate of the Thirtieth Legislature, we beg to advise that our records do not show that Tobin's Book Store was paid any amount for supplies furnished the Senate, either during the Regular or Called Session of the Thirtieth Legislature.

Yours very truly,
J. W. STEPHENS,
Comptroller.

SENATE BILL NO. 12.

The Chair laid before the Senate, on third reading,

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the

Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

The bill was read and Senator Watson offered the following amendment:

Amend the engrossed bill, pages 8 and 9, Section 8, by striking out all of lines 31 and 32 on page 8 and all of lines 1 to and including the word "district" in line 21, page 9.

The amendment was read, and adopted by the following vote:

Yeas—19.

Adams.	Paulus.
Alexander.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	

Nays—3.

Bryan.	Hudspeth.
Holsey.	

Absent.

Brachfield.	Stokes.
Hume.	Terrell of McLennan.
Mayfield.	Weinert.
Peeler.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—17.

Adams.	Meachum.
Alexander.	Paulus.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	

Nays—5.

Bryan.	Perkins.
Holsey.	Veale.
Murray.	

Absent.

Brachfield.	Stokes.
Hume.	Terrell of McLennan.
Mayfield.	Weinert.
Peeler.	Willacy.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Paulus.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Nays—3.

Bryan.	Perkins.
Holsey.	

Absent.

Brachfield.	Stokes.
Hume.	Sturgeon.
Mayfield.	Terrell of McLennan.
Peeler.	Willacy.

SENATE BILL NO. 32.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 32, A bill to be entitled "An Act to amend Chapter 4 of Title 28 of the Revised Civil Statutes of the State of Texas by adding thereto Article 1111a, providing that when the time prescribed by law for the ending of a regular or special term of any district court shall occur during the trial of a cause, the term shall be extended for such additional length of time as may be necessary to allow such trial to be concluded, and declaring an emergency."

Senator Meachum moved that the further consideration of the bill be postponed indefinitely.

The motion was adopted.

SENATE BILL NO. 69.

On motion of Senator Masterson, the regular order of business (Senate bill No. 33) was suspended, and the Senate took up, out of its order, Senate bill No. 69, by the following vote:

Yeas—23.

Adams.	Kellie.
Alexander.	Masterson.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.

Terrell of McLennan. Watson.
Veale. Weinert.
Ward.

Absent.

Brachfield. Stokes.
Hume. Sturgeon.
Mayfield. Willacy.
Peeler.

(Senator Meachum in the chair.)

The Chair laid before the Senate, on second reading,

Senate bill No. 69, A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency."

Senator Hayter offered the following amendment:

Amend the bill by striking out of line 27, page 3, the word "forty" and insert in lieu thereof the word "thirty."

Senator Alexander moved to table the amendment, which motion was adopted.

Senator Murray offered the following amendment:

Amend the bill by adding to Section 1 the following: "Provided said home for lepers shall not be located in any county in this State, if a majority of the qualified voters of such county protest against the location of said home within their county."

JOINT SESSION.

Here the Chair announced that the hour had arrived for the Senate to go to the Hall of the House of Representatives for the purpose of participating in the joint session on account of the address of Hon. Wm. J. Bryan, and the Senate accordingly repaired to that Hall.

IN JOINT SESSION.

RECEPTION TO HON. W. J. BRYAN

At 10:35 o'clock a. m., the Honorable Senate of Texas was announced at the bar of the House, and accompanied by Sergeant-at-Arms James Hornbuckle, Secretary Clyde D. Smith and Journal Clerk R. M. Gilmore, the Senators advanced into the Hall and occupied seats along the aisle already prepared for them.

Hon. A. B. Davidson, President of the Senate, was invited to a seat on the rostrum to the right of the Speaker.

The Secretary of the Senate was di-

rected by the President of the Senate to call the roll of the Senate, and the following Senators answered to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Senators present, 30.

Necessary to a quorum, 21.

President Davidson announced a quorum of the Senate present.

Speaker Marshall then directed the Clerk to call the roll of the House, and the following members answered to their names:

Anderson.	Cureton.
Aston.	Currey.
Baker of Hood.	Dalby.
Baker of Panola.	Dotson.
Ballengee.	Driggers.
Barrett.	Elliott.
Bartlett.	Fant.
Bell.	Fitzhugh.
Bierschwale.	Flournoy.
Bogard.	Gaines.
Bostic.	German.
Beswell.	Giesen.
Bowles.	Gilmore.
Branch.	Goodman.
Briscoe.	Graham.
Brookreson.	Hamilton of
Brookshire.	Childress.
Brown.	Hamilton of
Brownlee.	McCulloch.
Buchanan.	Harman.
Byrne.	Haxthausen.
Cable.	Highsmith.
Canales.	Hill.
Cathey.	Horger.
Caves.	Jackson.
Chaney.	Jenkins.
Cox.	Jennings.
Craven.	Keeble.
Crawford.	Lawson.
Crisp.	Leach.
Crockett of	Lee.
Mitchell.	Lively.
Crockett of	Luce.
Washington.	Maddox.

Mason.	Robertson of Bell.
Maxwell.	Robertson of Travis.
McCallum.	Schluter.
McDonald.	Schofield.
McGown.	Self.
McKinney.	Smith.
McLain.	Spradley.
Meeks.	Stamps.
Mobley.	Standifer.
Morris.	Stephenson.
Munson.	Stepter.
Nickels.	Stratton.
O'Bryan.	Strickland.
O'Bryant.	Tarver.
Odum.	Terrell of Bexar.
Pearson.	Terrell of Cherokee.
Pharr.	Turner.
Porter.	Turney.
Rabb.	Vaughan.
Ralston.	Von Rosenberg.
Ray.	Wahrmund.
Rayburn.	Walter.
Reid.	Werner.
Reedy.	Westbrook.
Ridgway.	Wilson.
Roach.	Wortham.
Roberson of Erath.	

Absent.

Adams.	Pierce.
Bowman.	Trenckmann.
Brooks.	

Absent—Excused.

Davis.	Nelson of Hopkins.
Fuller.	Nelson of Kaufman.
Johnson.	Perkins.
Kennedy.	Stead.
Moller.	

Representatives present, 116.

Necessary to a quorum, 89.

The Speaker announced a quorum of the House present.

Speaker Marshall then announced the two houses in joint session in accordance with the provisions of a concurrent resolution adopted, the purpose of the joint session being to receive the Hon. William Jennings Bryan of Nebraska, who had been invited to address the Legislature.

At 10:50 a. m., the committee appointed to accompany Mr. Bryan to the Hall appeared at the bar of the House and approached the Speaker's stand. Governor Campbell, the joint committee and Mr. Bryan were seated on the Speaker's stand.

Lieutenant Governor Davidson introduced Mr. Bryan, and he addressed the joint session and the assemblage.

SENATE RETIRES.

On motion of Senator Willacy, the Senate, at 12:15 p. m., retired to its Chamber.

IN THE SENATE.

The Senate returned to its Chamber at 12:20 o'clock.

SENATE CONCURRENT RESOLUTION SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

Senate Concurrent Resolution No. 2, Providing for the printing of 300 copies of the Legislative Manual, containing the rules of the Senate and the rules of the House, the joint rules of the Senate and House, and names of the officers and members of the Senate and House and a copy of the Constitution of Texas, and of the United States, three-fourths of said copies to be assigned to the House, and one-fourth to the Senate, and providing for payment to the public printer for printing said copies.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency," And find the same correctly engrossed.

WARD, Chairman.

(Floor Report.)

Austin, Texas, April 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 88, A bill to be entitled "An Act amending Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risk which is authorized to do a life or health insurance business in this State, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Watson, Senter, Alexander, Veale, Sturgeon.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, April 6, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Willacy.

Absent.

Watson.

Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

EXCUSED.

On account of sickness:

Senator Mayfield for yesterday, on motion of Senator Meachum.

BILLS AND RESOLUTIONS.

There being no bills and resolutions, the Chair declared the morning call concluded.

(By unanimous consent after the morning call was concluded.)

By Senators Murray and Willacy:

Senate Concurrent Resolution No. 3, Be it Resolved by the Senate, the House concurring, that our representatives in the United States Congress be, and they are hereby requested to use their best efforts to have a law passed authorizing the Secretary of Commerce and Labor to co-operate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries with the Fish and Oyster Commissioner of the State of Texas in making surveys of the natural oyster beds, bars, and rocks in the gulf waters upon the coast of Texas, etc.

Read first time, and referred to Committee on Federal Relations.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 1, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State banking law; providing additional safeguards for the protection of the depositors and other creditors of such institutions, etc., and declaring an emergency."

House bill No. 120, A bill to be entitled "An Act to amend Articles 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895 in reference to fees of office to be charged and

collected by certain State officers, as amended by Chapter 91 of the General Laws of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to the fees charged by the Secretary of State for charters and permits so as to fix and prescribe the fees of foreign loan companies, and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 116, A bill to be entitled "An Act creating the Nocona School District in Montague county, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

House bill No. 117, A bill to be entitled "An Act incorporating the Bowie Independent School District in Montague county, Texas, for free school purposes only; defining its boundaries; providing for a board of trustees; providing for a treasurer for the funds of said district and providing for an assessor and collector of the taxes of said district; divesting the city of Bowie of the control of its public schools, and the title to school property; investing the same in said Bowie Independent School District, and its board of trustees, and prescribing the rights, powers, privileges and duties of said Bowie Independent School District, and its board of trustees and officers, and declaring an emergency."

Senate bill No. 66, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the

time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 118, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county; and Chapter 65 of the Special Laws of this State, amendatory thereof, passed by the Thirtieth Legislature at its Regular Session; providing for the creation of road districts in any political subdivision or any defined district hereafter to be described in said county; prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding election and the manner thereof and to determine whether or not said bonds shall be issued; declaring the qualifications of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same and providing for the assessment and collection of taxes for such purpose; and creating a lien upon all taxable property of said district; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as General Laws of the State making it cumulative of the General Laws of the State except when in conflict with this act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for captions of):

House bill No. 1, referred to Committee on Insurance, Statistics and History.

House bill No. 120, referred to Judiciary Committee No. 1.

House bill No. 116, referred to Committee on Educational Affairs.

House bill No. 117, referred to Committee on Educational Affairs.

House bill No. 118, referred to Committee on Roads, Bridges and Ferries.

House Concurrent Resolution No. 2, referred to Committee on Educational Affairs.

SENATE BILL NO. 69.

The Chair laid before the Senate, on second reading,

Senate bill No. 69, A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency."

The question was on the pending amendment by Senator Murray and he withdrew same.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the printed bill, line 10, page 3, by striking out after the word "two" the word "after," and insert in lieu thereof the following: "Years."

Bill read second time, and ordered engrossed.

On motion of Senator Masterson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Willacy.
Meachum.	

Absent.

Hume.	Weinert.
Watson.	

The bill was read third, and passed by the following vote:

Yeas—28.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.
Murray.
Paulus.

Peeler.
Perkins.
Real.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Willacy.

Absent.

Watson.

Weinert.

Senator Masterson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SPECIAL COMMITTEE REPORT—ADOPTION OF.

Senator Terrell of Bowie called up the special committee report, relating to certain accounts with Tobin's Book Store, and moved that the report be adopted (see Journal of yesterday for report).

The motion to adopt the report prevailed.

SENATE BILL NO. 45.

Senator Paulus moved that the regular order of business (Senate bill No. 33) be suspended, and the Senate take up, out of its order, Senate bill No. 45.

The motion was adopted by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Hayter.	Stokes.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Willacy.
Masterson.	

Nays—8.

Greer.	Meachum.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Mayfield.	Veale.

Absent.

Senter.	Weinert.
Watson.	

The Chair laid before the Senate, on second reading,

Senate bill No. 45, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice and to insure the better education of practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Senator Terrell of Bowie made the point of order on the bill that same did not come within the questions submitted by the Governor for consideration.

The Chair overruled the point of order.

Senator Hudspeth offered the following amendment:

Amend the bill by adding at the end of Section 8, page 3, the following: "The provisions of this act shall not apply to any town in this State with a population of 1000 or less."

Senator Peeler moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Adams.	Masterson.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Hayter.	Terrell of McLennan.
Hume.	Ward.

Nays—11.

Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Mayfield.	Veale.
Meachum.	Willacy.
Real.	

Absent.

Kellie.	Weinert.
Watson.	

(President Pro Tem. Brachfield in the chair.)

The bill was read second time, and the Senate refused to order same engrossed by the following vote:

Yeas—12.

Adams.	Masterson.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Stokes.
Hayter.	Terrell of McLennan.

Nays—15.

Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Willacy.
Murray.	

Absent.

Kellie.	Weinert.
Watson.	

Senator Terrell of Bowie moved to reconsider the vote by which the Senate refused to engross the bill, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 65.

On motion of Senator Alexander, the regular order of business (Senate bill No. 33) was suspended, and the Senate took up, out of its order, Senate bill No. 65. by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of
Hume.	McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Willacy.

Nays—1.

Murray.

Absent.

Bryan.	Watson.
Kellie.	Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 65, A bill to be entitled "An Act to amend Article 3388, Title 69, Revised Civil Statutes of the State of Texas, 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency."

The bill was read, and

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Article 3388 and inserting the following:

"Article 3388. At said election the vote shall be by official ballot which shall have printed or written at the top thereof in plain letters the words 'Official Ballot.' Said ballot shall have also written or printed thereon the words 'For Prohibition' and the words 'Against Prohibition,' and the clerk of the county court shall furnish the presiding officer of each voting box within the proposed limits with a number of such ballots to be not less than twice the number of qualified voters at such voting boxes, and the presiding officer of each such voting box shall write his name on the back of each ballot before delivering the same to the voter, and the person offering to vote at such election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot, and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except such presiding officer or by some officer assisting in the holding of such election, under the direction of such presiding officer when requested to do so by such voter.

"Those who favor the prohibition of the sale of intoxicating liquors within the proposed limits shall erase the words 'Against Prohibition' by making a pencil mark through same, and those who oppose it shall erase the words 'For Prohibition' by making a pencil mark through same. No ballot shall be received or counted by the officers of such election that is not an official ballot, and that has not the name of the presiding officer of such election written thereon in the handwriting of such presiding officer, as required by this act."

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill by adding in line 10, page 1, of printed bill, the letter "s" to the word "article," and by inserting after "3388" the word and figures "and 3389," and then insert immediately after Article 3388, line 31, the following:

"Article 3389. The officers holding said election shall, in all respects not herein specified, conform to the General Election Laws now in force regulating elections; and after the polls are closed shall proceed to count the votes, and within ten days thereafter make due report of said election to the aforesaid court.

"The General Election Law passed at the First Called Session of the Twenty-

ninth Legislature, known as Chapter 11, page 520 of the General Laws of the Twenty-ninth Legislature as amended by the Acts of the Thirtieth Legislature shall govern in all respects as to the qualifications of the electors, the method of holding such elections and in all other respects, whenever said general law does not conflict with this title and whenever such general law can be made applicable to the elections held under this title."

And amend caption, line 6, by adding the letter "s" to word "article" and by inserting after "3388" the word and figures "and 3389," and by adding in line 8, after the word "elections" the following words: "And making the General Election Law control in such local option elections whenever applicable."

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Masterson.	Ward.
Mayfield.	

Absent.

Kellie.	Weinert.
Terrell of McLennan	Willacy.
Watson.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.

Senter. Terrell of Bowie.
Stokes. Veale.
Sturgeon. Ward.

Nays—1.

Murray.

Absent.

Kellie. Weinert.
Terrell of McLennan. Willacy.
Watson.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 120.

On motion of Senator Ward, the regular order of business (Senate bill No. 33) was suspended, and the Senate took up, out of its order, House bill No. 120, by the following vote:

Yeas—25.

Adams. Meachum.
Alexander. Murray.
Brachfield. Paulus.
Bryan. Peeler.
Cofe. Perkins.
Greer. Real.
Harper. Senter.
Hayter. Stokes.
Holsey. Sturgeon.
Hudspeth. Terrell of Bowie.
Hume. Veale.
Masterson. Ward.
Mayfield.

Absent.

Kellie. Weinert.
Terrell of McLennan. Willacy.
Watson.

The bill having been read in the Senate first time today,

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—27.

Adams. Hayter.
Alexander. Holsey.
Brachfield. Hudspeth.
Bryan. Hume.
Cofe. Kellie.
Greer. Masterson.
Harper. Mayfield.

Meachum. Stokes.
Murray. Sturgeon.
Paulus. Terrell of Bowie.
Peeler. Veale.
Perkins. Ward.
Real. Willacy.
Senter.

Absent.

Terrell of McLennan. Weinert.
Watson.

On motion of Senator Ward, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—26.

Adams. Meachum.
Alexander. Murray.
Brachfield. Paulus.
Bryan. Peeler.
Cofe. Perkins.
Greer. Real.
Harper. Senter.
Hayter. Stokes.
Holsey. Sturgeon.
Hudspeth. Terrell of Bowie.
Hume. Veale.
Masterson. Ward.
Mayfield. Willacy.

Absent.

Kellie. Watson.
Terrell of McLennan. Weinert.

The Chair laid before the Senate, on second reading,

House bill No. 120, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895 in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to the fees charged by the Secretary of State for charters and permits so as to fix and prescribe the fees of foreign loan companies, and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of

the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Willacy.

Nays—1.

Greer.

Absent.

Terrell of McLennan. Weinert.
Watson.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Masterson.	Willacy.
Mayfield.	

Absent.

Greer. Watson.
Terrell of McLennan. Weinert.
Veale.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE CONCURRENT RESOLUTION
NO. 2.

On motion of Senator Harper, the regular order of business (Senate bill No. 33) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 2, by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Willacy.
Mayfield.	

Absent.

Terrell of McLennan. Weinert.
Watson.

On motion of Senator Harper, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Willacy.
Masterson.	

Absent.

Terrell of McLennan. Watson.
Veale. Weinert.
Ward.

The Chair laid before the Senate House Concurrent Resolution No. 2, Relating to the acceptance of the Adams Fund from the United States Government.

The committee report, which provided

that the resolution be not printed, was adopted.

The resolution was read and adopted.

Senator Harper moved to reconsider the vote by which the resolution was adopted and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 33.

The Chair laid before the Senate, on second reading,

Senate bill No. 33, A bill to be entitled "An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the district court to act in vacation, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Harper, the vote by which the bill was ordered engrossed was reconsidered.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill at the end of line 14, page 1, by inserting after the word "vacation" the following words:

"By consent of the parties."

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Masterson.	Ward.
Mayfield.	

Absent.

Bryan.	Stokes.
Holsey.	Watson.
Kellie.	Weinert.
Paulus.	Willacy.
Perkins.	

The bill was read third time, and the roll call on same showed no quorum voting, the following being the vote:

Yeas—20.

Alexander.	Meachum.
Brachfield.	Murray.
Cofer.	Peeler.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.

Absent.

Adams.	Perkins.
Bryan.	Stokes.
Holsey.	Watson.
Kellie.	Weinert.
Paulus.	Willacy.

Senator Terrell of Bowie moved a call of the Senate for the purpose of securing a quorum. The motion was seconded.

The roll was called, a quorum being present, the following Senators answering to their names:

Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Masterson.	Ward.
Mayfield.	

Absent.

Adams.	Stokes.
Greer.	Watson.
Kellie.	Weinert.
Paulus.	Willacy.
Perkins.	

Action then recurred on Senate bill No. 33, and the bill was finally passed by the following vote:

Yeas—21.

Alexander.	Hume.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Meachum.
Harper.	Murray.
Hayter.	Peeler.
Holsey.	Real.
Hudspeth.	Senter.

Sturgeon. Veale.
Terrell of Bowie. Ward.
Terrell of McLennan.

Absent.

Adams. Stokes.
Greer. Watson.
Kellie. Weinert.
Paulus. Willacy.
Perkins.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Peeler, the Senate recessed until 3 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Brachfield.

SENATE BILL NO. 37.

The Chair laid before the Senate, on second reading,

Senate bill No. 37, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax and prescribing the method of its collection, and declaring an emergency."

On motion of Senator Senter, further consideration of the bill was postponed indefinitely.

SENATE BILL NO. 24.

The Chair laid before the Senate, as regular order,

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State to be liable to employees for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow, and children and mother and father of the deceased, and if none then of the next of kin dependent upon such employees; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation in-

tended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases, and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States, or in any way interfere with any proceeding now pending in any court, and declaring an emergency."

The bill was read, and

There being a favorable majority committee report and an adverse minority committee report,

Senator Hume moved to adopt the minority committee report.

(Lieutenant Governor Davidson in the chair.)

Pending discussion on the motion, Senator Peeler moved the previous question on the pending motion, which being duly seconded, was so ordered.

The motion to adopt the minority committee report was lost by the following vote:

Yeas—4.

Hume.	Perkins.
Meachum.	Real.

Nays—21.

Adams.	Mayfield.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	

Present—Not Voting.

Murray.

Absent.

Masterson.	Weinert.
Watson.	Willacy.

Senator Meachum offered the following amendment:

Amend the bill by adding thereto Section 5a to read as follows:

"That any contract, agreement or understanding whatsoever, the purpose or intent of which shall be to enable or permit any person, firm or corporation whatsoever to recover of, charge, or accept directly or indirectly of any in-

jured person recovering any sum under the provisions of this act, either by suit or compromise, or to recover, charge, or accept directly or indirectly of any person entitled by law to maintain suit for injuries to any person and to recover any sum therefor under the provisions of this act, more than thirty per cent of such amount so recovered, either by suit or compromise, for services rendered as attorney or agent for such person so recovering such sum, shall be void, and of no force or effect whatsoever, and no such contract, agreement or understanding whatsoever shall be enforceable or binding within this State, nor enforceable in any court within this State."

Senator Senter made a point of order on the amendment, contending that same was not germane to the bill.

The Chair, Lieutenant Governor Davidson, sustained the point of order.

Senator Meachum offered the following amendment:

Amend the bill, page 2, line 14, by striking out all of said lines 14 and 15, after the word "employes" and insert in lieu thereof the following: "was the direct and proximate cause of the injury or death of such employe, and but for such violations such injury or death would not have occurred."

Senator Cofer moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Veale.
Masterson.	Ward.

Nays—4.

Hume.	Watson.
Meachum.	Willacy.

Absent.

Bryan.	Terrell of McLennan.
Real.	Weinert.

Senator Cofer offered the following amendment:

Amend bill, page 3, line 3, Section 5, by inserting after the word "under" the

following: "the assumed risk law, enacted by the Twenty-ninth Legislature and known as Chapter 163, page 386 of the General Laws of the Twenty-ninth Legislature."

Senator Alexander moved the previous question on the amendment and the engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Willacy.
Masterson.	

Nays—2.

Meachum.	Watson.
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Absent.

Real.	Weinert.
Terrell of McLennan.	

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Willacy.
Masterson.	

Nays—3.

Hume.	Watson.
Meachum.	

Absent.

Murray.
Real.

Terrell of McLennan.
Weinert.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

VOTE RESCINDED.

Senator Peeler here moved to rescind the vote by which the Senate refused to engross Senate bill No. 45 today.

The motion to rescind was adopted.

SENATE BILL NO. 83.

On motion of Senator Hudspeth, the regular order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, Senate bill No. 83, by the following vote:

Yeas—26.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Kellie.
Masterson.
Mayfield.
Meachum.

Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Willacy.

Absent.

Bryan.
Hume.

Real.
Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 83, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas by adding thereto Article 825a, prohibiting the cutting of wood, trees or shrubs suitable for fuel, or other useful purposes, from the enclosed lands of another; providing a penalty for a violation thereof, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the printed bill, line 16, by

adding after the word "own" the following: "Or in his possession."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.

Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Willacy.

Nays—1.

Holsey.

Absent.

Alexander.
Real.

Weinert.

The bill was read third time, and passed.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 63.

On motion of Senator Harper, the regular order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, Senate bill No. 63, by the following vote:

Yeas—26.

Adams.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.

Meachum.
Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of McLennan.
Veale.
Ward.
Watson.
Willacy.

Absent.

Alexander.
Real.Terrell of Bowie.
Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 63, A bill to be entitled "An Act to amend an act to prescribe the time within which statements of fact, bills of exception may be filed in causes tried in the district and county courts of Texas, and to authorize judges whose terms of office have expired to approve statement of facts and bills of exception, and providing that judges also have ten days after adjournment of the term of court at which said cause may be tried to file findings of facts and conclusions of law, and declaring an emergency."

The committee report, with amendments, was adopted.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, line 24, page 1, by adding after the word "therefor" the following: "Provided, that the court trying such cause shall have power in term time or in vacation, upon the application of either party, for good cause, to extend the several times as hereinbefore provided for the preparation and filing of the statement of facts and bills of exceptions, but the same shall not be so extended as to delay the filing of the statement of facts, together with the transcript of the record, in the appellate court within the time prescribed by law, and when the parties fail to agree upon a statement of facts, and that duty devolves upon the court, the court shall have such time in which to do so, after the expiration of the thirty days as hereinbefore provided as the court may deem necessary, but the court, in such case, shall not postpone the preparation and filing of such statement of facts and bills of exceptions so as to delay the filing of the same, together with a transcript of the record in the appellate court within the time prescribed by law."

Bill read second time, and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.
Alexander.Brachfield.
Bryan.Cofer.
Greer.
Harper.
Hayter.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.
Murray.Paulus.
Peeler.
Perkins.
Senter.
Sturgeon.
Terrell of Bowie.
Veale.
Ward.
Weinert.
Willacy.

Absent.

Holsey.
Hudspeth.
Real.Stokes.
Terrell of McLennan.
Watson.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hume.
Masterson.
Mayfield.
Meachum.Murray.
Paulus.
Peeler.
Perkins.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Willacy.

Absent.

Hudspeth.
Kellie.
Real.Stokes.
Weinert.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 61.

On motion of Senator Murray, the regular order of business (Senate bill No. 41) was suspended, and the Senate took up, out of its order, Senate bill No. 61, by the following vote:

Yeas—26.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.Hume.
Kellie.
Masterson.
Mayfield.
Meachum.
Murray.
Paulus.
Peeler.
Perkins.

Senter. Veale.
Sturgeon. Ward.
Terrell of Bowie. Watson.
Terrell of McLennan. Willacy.

Absent.

Hudspeth. Stokes.
Real. Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publications of citations as authorized under Article 1236 of the Revised Civil Statutes of the State of Texas of 1895, and declaring an emergency."

There being an adverse majority committee report and a favorable minority committee report,

Senator Murray moved to adopt the minority committee report, which motion prevailed.

Bill read second time, and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent.

Stokes. Weinert.
Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Hayter.
Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofer.	Kellie.
Greer.	Mayfield.
Harper.	Meachum.

Murray.	Sturgeon.
Paulus.	Terrell of Bowie.
Peeler.	Veale.
Perkins.	Ward.
Real.	Willacy.
Senter.	

Nays—2.

Masterson. Watson.

Absent.

Stokes. Weinert.
Terrell of McLennan.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate after their captions had been read, the following bills:

Senate bill No. 66, "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

House Concurrent Resolution No. 2, Relating to the acceptance of the Adams Fund from the United States Government.

House bill No. 120, "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895 in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to the fees charged by the Secretary of State for charters and permits so as to fix and prescribe the fees of foreign loan companies, and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall

not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Meachum, the Senate, at 6:15 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

Senate Concurrent Resolution No. 3, "Be it resolved by the Senate, the House concurring, That our Representatives in the United States Congress be, and they are hereby requested to use their best efforts to have a law passed authorizing the Secretary of Commerce and Labor to co-operate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries with the Fish and Oyster Commissioner of the State of Texas in making surveys of the natural oyster beds, bars, and rocks in the gulf waters upon the coast of Texas, and also to investigate the practicability of the protection and propagation of the fish in the bays and gulf coast of Texas, and there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary to be used by the Governor of the State in such manner as in his judgment may be necessary in co-operating with and in aid of the United States departments, in case they undertake to make such a survey or examination as hereinabove indicated within the next two years. Be it further resolved that the Governor be and he is hereby requested to furnish the Texas members of the House and Senate of the United States Congress with copies of this resolution and to use his good office in securing the necessary legislation by Con-

gress to carry into effect the purposes as indicated in this resolution."

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Sturgeon, Chairman; Cofer, Kellie, Ward, Perkins.

(Floor Report.)

Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 118, A bill to be entitled "An Act to amend Chapter 75, of the General Laws of the State of Texas passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county; and Chapter 65 of the Special Laws of this State, amendatory thereof, passed by the Thirtieth Legislature at its regular session; providing for the creation of road districts in any political subdivision or any defined district hereafter to be described in said county; prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding election and the manner thereof, and to determine whether or not said bonds shall be issued; declaring the qualification of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for such purpose, and creating a lien upon all taxable property of said district; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as general laws of the State, making it cumulative of the general laws of the State except when in conflict with this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Sturgeon, Murray, Veale, Mayfield, Paulus, Perkins, Senter.

(Floor Report.)

Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

House Concurrent Resolution No. 2, "Formal assent of the Legislature accepting the Adams fund from the United States Government: Be it Resolved by the House of Representatives, the Senate concurring, That the board of directors of the Agricultural and Mechanical College of Texas are hereby authorized to accept from the National Government the appropriation known as the 'Adams Fund' for the Agricultural Experiment Station of the Agricultural and Mechanical College of Texas,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Meachum, Bryan, Hume, Harper, Veale, Real, Brachfield.

(Floor Report.)

Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

House bill No. 116, A bill to be entitled "An Act creating the Nocona Independent School District in Montague county, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing said district with the rights, powers and privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Veale, Sturgeon, Willacy, Bryan, Meachum, Real.

(Floor Report.)

Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

House bill No. 177, A bill to be entitled "An Act incorporating the Bowie Independent School District in Montague

county, Texas, for free school purposes only, defining its boundaries, providing for a board of trustees, providing for a treasurer and collector of the taxes of said district, divesting the city of Bowie of the control of its public schools and the title to school property and vesting the same in said Bowie Independent School District and its board of trustees, and prescribing the rights, privileges and duties of said Bowie Independent School District and its board of trustees and officers, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Harper, Veale, Sturgeon, Willacy, Mayfield, Meachum.

(Floor Report.)

Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 120, A bill to be entitled "An Act to amend Article 2439 of Chapter 1 of Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to the fees charged by the Secretary of State for charters and permits so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Meachum, Chairman; Peeler, Stokes, Cofer, Paulus, Veale, Hume, Sturgeon, Masterson.

Committee Room,
Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 33, A bill to be entitled "An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the district court to act in vacation, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 65, A bill to be entitled "An Act to amend Article 3388, Title 69 of the Revised Civil Statutes of the State of Texas of 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 69, A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said Board, and fixing the conditions and terms by which banks and trust com-

panies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund; and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 2, Providing for the printing of the Texas Legislative Manual,

Have carefully compared same and find it correctly enrolled, and have this day at 10 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

PETITIONS AND MEMORIALS.

By Senator Meachum:

Singleton, Texas, April 3, 1909.

To the Hon. Mack Meachum and Hon. James McDonald, care F. I. Townsen.

Kind Sirs: We, the farmers of Union Hill local, want the Cureton bank law as it is without amendment. We believe it will give protection to the depositor and yield protection to the country. We appeal to you to vote for this bill.

A. O. McDUGALD,
President.

G. W. SULLIVAN,
Secretary and Treasurer.

P. S.—The above local has sixty-one male members.

By Senator Adams:

Harbin, Texas, April 3, 1909.

Senator W. N. Adams.

Dear Sir: The Erath Farmers' Union passed a resolution asking you as our representative in the Senate at Austin to vote for or support House bill No. 1. We represent about 1500 farmers of Erath county. Yours truly,

J. E. MORTON,
President.

H. M. COURTNEY,
County Secretary.

By Senator Sturgeon:

Honey Grove, Texas, April 5, 1909.

Hon. B. B. Sturgeon, Austin, Texas.

Dear Sir: Beliving that the Cureton bank guaranty bill, as passed by the House Saturday, the 3rd inst., meets the demands of the people of Texas, as well as the Texas Democracy, and that the Senter-Hume bill as passed by the Senate Saturday night, does not in any sense, come up to the requirements or expectations of either the people or the Texas Democracy, but is a weak subterfuge intended to thwart the will of both the people and Texas Democracy. We shall hope you can see your way clear to give your support and influence to the final passage of the Cureton bill, thus carrying out the expressed will of the voters of Texas.

Numerously signed.

By Senator Hayter:

Park Springs, Tex., March 31, 1909.

Hon. J. P. Hayter.

Dear Sir: We, the members of the Farmers' Union here, thank you for your polite letter of the 17th inst. In regard to the Terrell anti-bucket shop law. We wish that you would support and vote for the Cureton bill, and to oppose any amendment to include National and private banks in its provisions. Believing that you will look after our interest here, I am respectfully,

J. N. MONROE, Secretary.

By Senator Perkins:

Commerce, Texas, April 3, 1909.

Hon. Tom W. Perkins, Austin, Texas.

Dear Sir: We, the undersigned qualified voters and citizens of Commerce, Hunt county, respectfully urge you to vote and use your influence for the Cureton bank deposit guaranty bill now pending before the Senate and comply with the platform demand upon which you were elected.

Numerously signed.

By Senator Holsey:

Terrell, Texas, April 5, 1909.

Hon. W. R. Holsey, State Senate, Austin, Texas:

We appreciate your efforts in behalf of a sensible guaranty bank bill. The Senter-Hume amendment would force the State banks to liquidate. This is the evident purpose of the authors.

Signed—L. A. Griffith, Jr., J. J. Barton, J. C. Fields, E. R. Bumpass, W. H. Neeley, T. R. Bond, M. C. Thompson.

By Senator Peeler:

Austin, Texas, April 5, 1909.

To the Representatives and Senators of the Thirty-first Legislature of the State of Texas:

We, the undersigned citizens and voters of Travis county, respectfully petition you to pass House bill No. 1, providing for the guaranty of deposits in State banks by creating a State bank guaranty fund, in line with the recommendation of the State and National Democratic platform.

Numerously signed.

Decatur, Texas, March 29, 1909.

Senator Hayter.

Dear Sir: I was requested by the Anneville union to ask you to vote for House bill No. 1 for the guaranteeing of deposits in Texas State banks.

Respectfully,

C. C. DECKER.

SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, April 7, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Senter.

Weinert.

Prayer by the Chaplain, Rev. H. M. Scars.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

RECEIPT OF MONEY ACKNOWLEDGED.

Dallas, Texas, April 3, 1909.

Received of Clyde D. Smith, \$22.71 for Buckner Orphans Home, to the credit of collection of Abe Mulkey.

Accept sincere thanks,
BUCKNER ORPHANS HOME.
Per R. C. BUCKNER.

RESOLUTION.

By Senator Watson:

Whereas, In the issue of April 3, 1909, of the Home and State the following editorial appeared, to-wit:

"There are not more than five first-class really able Democrats in the Texas House and not more than three in the Texas Senate. We leave it to the public to pick them out. No wonder Texas lies bleeding," and

Whereas, The public of the great State of Texas will never be able to ascertain the names of these three immaculate members of this august body without the assistance of the editor of said paper, the Hon. George C. Rankin of Dallas, who is recognized as being the only allwise and patriotic guardian of the people's rights; therefore, be it

Resolved by the Senate, That the President appoint a committee of three men, neither of whom are to be in any way affiliated or connected with the present Legislature with the request that said committee ascertain if possible from this great editor and statesman the names of Democratic members of this body.

Resolved further, That the thanks of this body be extended Bro. George for advising the people of Texas of the death of Democracy in the Legislature.

WATSON,
HUDSPETH.

Senator Sturgeon made the point of order on the resolution that the Chair had no power to appoint a committee outside of members of the Senate.

The Chair sustained the point of order.

Morning call concluded.

SENATE BILL NO. 77.

On motion of Senator Watson, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 77, by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Greer.	Senter.
Harper.	Terrell of McLennan.
Holsey.	Weinert.
Mayfield.	

The Chair laid before the Senate, on second reading,

Senate bill No. 77, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

The bill was laid on the table subject to call.

SENATE BILL NO. 73.

On motion of Senator Meachum, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 73, by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Watson.
Meachum.	

Absent.

Holsey.	Weinert.
Mayfield.	Willacy.
Ward.	

The Chair laid before the Senate, on second reading,

Senate bill No. 73, A bill to be entitled "An Act to amend Article 942, Chapter 2, Title 27 of the Revised Statutes, regulating the prosecution of writs of error to the Supreme Court, and declaring an emergency."

The committee report, with amendments, was read and adopted.

Senator Cofer offered the following amendment:

Amend by adding another article to be known as Article 942a:

"Article 942a. Any party desiring so to do may present his application in the first instance to the Court of Civil Appeals or any justice thereof, instead of the Supreme Court, and if such writ of error be granted by such Court of Civil Appeals or any justice thereof, then the Supreme Court shall take jurisdiction and hear said cause on submission as now provided by law. If the said application be refused, then the application may be presented to the Supreme Court, as provided in the foregoing Article 942."

(President Pro Tem. Brachfield in the chair.)

Senator Meachum moved to table the amendment, which motion was adopted by the following vote:

Yeas—19.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—6.

Cofer.	Holsey.
Greer.	Murray.
Harper.	Senter.

Absent.

Adams.	Veale.
Paulus.	Weinert.
Stokes.	

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Masterson.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Watson.
Kellie.	Willacy.
Mayfield.	

Absent.

Paulus.	Ward.
Stokes.	Weinert.
Veale.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent.

Paulus.	Weinert.
Stokes.	

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Willacy:

Whereas, The Honorable T. B. Wheeler, ex-Lieutenant Governor of Texas, is now in the city of Austin, be it

Resolved, That the Senate hereby ex-

tends him an invitation to a seat within the Senate Chamber.

The resolution was read and adopted.

SENATE BILL NO. 40.

On motion of Senator Harper, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 40, by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.

Absent.

Paulus.	Terrell of McLennan.
Real.	Veale.
Stokes.	Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 40, A bill to be entitled "An Act to authorize and empower any party to any cause, or his attorney of record, to print or typewrite or cause to be printed or typewritten the transcript of the record in any cause on appeal or writ of error, and requiring the clerk of the trial court to proof-read and certify to the same, and providing for his compensation for the same."

Bill read second time, and ordered engrossed.

On motion of Senator Harper the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Cofer.	Masterson.
Greer.	Mayfield.
Harper.	Murray.
Hayter.	Paulus.

Peeler.	Veale.
Perkins.	Ward.
Senter.	Willacy.
Sturgeon.	

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Willacy.
Kellie.	

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 1.

On motion of Senator Willacy, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 1, by the following vote:

Yeas—23.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Willacy.
Kellie.	

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Willacy.
Kellie.	

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

The Chair laid before the Senate Senate Concurrent Resolution No. 1, Providing for sine die adjournment of the First Called Session of the Thirty-first Legislature; fixing the time for April 6, 1909.

The committee report, with amendment, was adopted.

The resolution was adopted.

Senator Willacy moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 79.

On motion of Senator Hudspeth, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 79, by the following vote:

Yeas—22.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Hayter.
Bryan.	Holsey.
Cofer.	Hudspeth.

Hume.	Peeler.
Kellie.	Perkins.
Masterson.	Senter.
Mayfield.	Sturgeon.
Murray.	Veale.
Paulus.	Ward.

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 79, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.

Absent.

Meachum.	Watson.
Real.	Weinert.
Terrell of McLennan.	Willacy.

The bill was read third time and passed.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

tends him an invitation to a seat within the Senate Chamber.

The resolution was read and adopted.

SENATE BILL NO. 40.

On motion of Senator Harper, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 40, by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.

Absent.

Paulus.	Terrell of McLennan.
Real.	Veale.
Stokes.	Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 40, A bill to be entitled "An Act to authorize and empower any party to any cause, or his attorney of record, to print or typewrite or cause to be printed or typewritten the transcript of the record in any cause on appeal or writ of error, and requiring the clerk of the trial court to proof-read and certify to the same, and providing for his compensation for the same."

Bill read second time, and ordered engrossed.

On motion of Senator Harper the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Cofer.	Masterson.
Greer.	Mayfield.
Harper.	Murray.
Hayter.	Paulus.

Peeler.
Perkins.
Senter.
Sturgeon.

Veale.
Ward.
Willacy.

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Willacy.
Kellie.	

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 1.

On motion of Senator Willacy, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 1, by the following vote:

Yeas—23.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Willacy.
Kellie.	

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Willacy.
Kellie.	

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	

The Chair laid before the Senate Senate Concurrent Resolution No. 1, Providing for sine die adjournment of the First Called Session of the Thirty-first Legislature; fixing the time for April 6, 1909.

The committee report, with amendment, was adopted.

The resolution was adopted.

Senator Willacy moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 79.

On motion of Senator Hudspeth, the regular order of business (House bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 79, by the following vote:

Yeas—22.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Hayter.
Bryan.	Holsey.
Cofer.	Hudspeth.

Hume.	Peeler.
Kellie.	Perkins.
Masterson.	Senter.
Mayfield.	Sturgeon.
Murray.	Veale.
Paulus.	Ward.

Absent.

Meachum.	Terrell of McLennan.
Real.	Watson.
Stokes.	Weinert.
Terrell of Bowie.	Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 79, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.

Absent.

Meachum.	Watson.
Real.	Weinert.
Terrell of McLennan.	Willacy.

The bill was read third time and passed.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 11.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 11, A bill to be entitled "An Act to establish four additional State Agricultural Experiment Stations, and providing the ways and means for their maintenance, and the maintenance of farm demonstration work in connection with said experiment stations, and making an appropriation therefor, and declaring an emergency."

Senator Veale offered the following amendment:

Amend the bill by striking out all after the enacting clause, and insert in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be established at such places in the State of Texas, as the board hereinafter named may deem proper, experimental stations in addition to those now in existence, for the purpose of making experiments in the planting and growing of agriculture, horticulture, cereals and plants, and the feeding and fattening of live stock for slaughter; such stations to be under the care, control and management and direction of the superintendent of agriculture and horticulture of the Agricultural and Mechanical College of Texas, and to be maintained and operated at such places in Texas as the board hereinafter designated may direct.

Sec. 2. The Governor, the Commissioner of Agriculture and Lieutenant Governor shall be, and are hereby vested with power to designate such places or localities in the State upon which agricultural, horticultural and feeding stations may be established.

Sec. 3. After the location of any such station or stations, such station or stations may, at the pleasure of said board, be abandoned, and located elsewhere in the State of Texas.

Sec. 4. In the location of any such agricultural, horticultural, or feeding station, the board so locating such station or stations may take into consideration any donation of money or other property to be used in the operation and management of such station or stations, and may accept any lease of lands upon which to carry on such experiments.

Sec. 5. It shall be the duty of the superintendent of such stations and feeding place to issue, and circulate among the farmers and live stock rais-

ers of the State from time to time, as may be deemed beneficial to such industries, printed bulletins showing the results of such experiments, such bulletins to be mailed to such persons as may desire same.

Sec. 6. That the agricultural and experimental stations now existing under the laws of this State shall, from the time this act takes effect, be under and subject to the provisions of this act, and may at the pleasure of said board be discontinued at such time as they may direct.

Sec. 7. The superintendent of such station or stations is hereby given authority in the conduct and management of such station or stations to employ such assistance as may be necessary, and to purchase from time to time such implements, equipment and seeds as may be necessary in the successful management of such stations, subject to the approval of said board.

Sec. 8. There shall be appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of twenty-five thousand dollars per annum, or so much thereof as may be necessary, to be expended in the location and establishment, maintenance and operation of such station or stations, such appropriation to extend for two years from the end of the fiscal year for 1909.

Sec. 9. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 10. There being no provision in the laws of the State of Texas authorizing the establishment of agricultural, horticultural and feeding stations, and the fact that two of Texas' greatest industries are in a measure being daily neglected, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this bill be placed upon its third reading and final passage, and it is so enacted.

Signed — Veale, Meachum, Adams, Cofer, Alexander, Ward, Terrell of McLennan, Harper, Murray, Bryan, Holsey, Sturgeon, Hayter, Peeler, Greer, Brachfield.

The amendment was read and adopted.

Senator Hudspeth offered the following amendment:

Amend the bill, page 1, after the word "direct," in line 22, by adding the following: "Two of said experimental stations shall be established in

the Twenty-fifth Senatorial District, at such places as may be designated by the board provided for herein."

Senator Holsey moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—15.

Adams.	Hume.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Greer.	Sturgeon.
Harper.	Veale.
Hayter.	Ward.
Holsey.	

Nays—13.

Hudspeth.	Senter.
Kellie.	Stokes.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Peeler.	Watson.
Perkins.	Willacy.
Real.	

Absent.

Cofer.

Weinert.

REASON FOR VOTING.

I vote "nay" on tabling the amendment, because I desired to discuss the attacks on the Governor. I am opposed to these attacks but am also opposed to this amendment.

TERRELL of Bowie.

Senator Mayfield offered the following amendment:

Amend the bill, page 1, after the word "direct," in line 22, by adding the following: "One of said experimental stations shall be established in the Twenty-seventh Senatorial District, at such a place as may be designated by the board provided for herein, and thus carry out not only the spirit but the letter of the Democratic platform demand, which the Hon. W. J. Bryan said in his speech here on Monday is binding on all good and true Democrats."

Senator Terrell of McLennan moved the previous question on the amendment and engrossment of the bill.

The motion was seconded.

The motion for the previous question was lost by the following vote:

Yeas—12.

Brachfield.	Cofer.
Bryan.	Greer.

Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Murray.	Willacy.

Nays—17.

Adams.	Peeler.
Alexander.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Mayfield.	Terrell of Bowie.
Meachum.	Watson.
Paulus.	

Absent.

Weinert.

Senator Holsey offered the following substitute for the amendment:

Amend the bill by striking out the "Twenty-seventh District," and insert in lieu thereof the "Second Senatorial District."

Senator Mayfield made the point of order that the substitute for the amendment was not germane as a substitute.

The Chair (President Pro Tem. Brachfield) overruled the point of order.

Senator Terrell of Bowie moved to table both the amendment and the substitute, which motion to table prevailed.

Senator Hudspeth offered the following amendment:

Amend the bill by adding at the end of Section 1, line 22, the following: "One station to be established in extreme portion of West Texas and one in Central West Texas."

Senator Sturgeon offered the following amendment to the amendment:

Amend the amendment by adding: "And one in the Third Senatorial District."

Pending discussion.

Senator Perkins moved that the Senate recess until 3 o'clock today.

The motion was lost by the following vote:

Yeas—13.

Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Masterson.	Terrell of McLennan.
Murray.	

Nays--13.

Adams.	Meachum.
Alexander.	Senter.
Bryan.	Terrell of Bowie.
Harper.	Veale.
Holsey.	Ward.
Hume.	Watson.
Mayfield.	

Absent.

Kellie.	Weinert.
Paulus.	Willacy.

Action recurred on House bill No 11, and

Senator Meachum moved the previous question on the pending amendments, which motion being duly seconded, it was so ordered.

The amendment to the amendment was lost.

The amendment was then lost by the following vote, the yeas and nays being called for:

Yeas--6.

Hudspeth.	Senter.
Mayfield.	Stokes.
Real.	Watson.

Nays--19.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Hume.	

Absent.

Kellie.	Weinert.
Masterson.	Willacy.
Paulus.	

Senator Mayfield offered the following amendment:

Amend the bill by adding at the end of Section 1, line 22, the following: "One shall be located in what is known as the rice belt of South or Southeast Texas."

Senator Holsey moved to table the amendment, which motion was adopted by the following vote:

Yeas--15.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Murray.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hume.	Ward.
Meachum.	

Nays--8.

Hudspeth.	Senter.
Mayfield.	Stokes.
Peeler.	Sturgeon.
Real.	Watson.

Absent.

Kellie.	Terrell of McLennan.
Masterson.	Weinert.
Paulus.	Willacy.
Perkins.	

Senator Veale offered the following amendment:

Amend the bill by striking out after the words "a bill to be entitled" all down to the words "be it enacted by the Legislature of the State of Texas," and insert in lieu thereof the following: "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experimental stations in certain parts of Texas; to provide for appropriations therefor, and repealing all laws in conflict herewith, and declaring an emergency."

Senator Veale moved the previous question on the amendment and the engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment was then adopted.

Bill read second time, and passed to third reading.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas--22.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.

Absent.

Kellie.	Stokes.
Masterson.	Terrell of McLennan.
Paulus.	Weinert.
Perkins.	Willacy.

Senator Watson offered the following amendment:

Amend the bill by striking out in line 24, page 1, the word "Governor," and insert in lieu thereof "President of the Agricultural and Mechanical College."

HUDSPETH,
WATSON.

Senator Terrell of Bowie moved the previous question on the amendment and the final passage, which motion being duly seconded, was so ordered.

The amendment was lost by the following vote:

Yeas—3.

Adams.	Watson.
Hudspeth.	

Nays—19.

Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hume.	Ward.
Mayfield.	

Absent.

Kellie.	Stokes.
Masterson.	Terrell of McLennan.
Paulus.	Weinert.
Perkins.	Willacy.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.

Absent.

Kellie.	Stokes.
Masterson.	Terrell of McLennan.
Paulus.	Weinert.
Perkins.	Willacy.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Murray moved that the Senate recess until 3 o'clock today.

Senator Hume moved, as a substitute, that the Senate recess until 3:30 o'clock today.

Senator Hudspeth moved that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first, and the motion to adjourn was lost by the following vote:

Yeas—6.

Adams.	Meachum.
Hudspeth.	Senter.
Hume.	Watson.

Nays—15.

Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

Absent.

Alexander.	Stokes.
Kellie.	Terrell of McLennan.
Masterson.	Weinert.
Paulus.	Willacy.
Perkins.	

The motion to recess until 3:30 o'clock today was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 73—VOTE RESCINDED AND BILL PASSED.

Senator Meachum moved to rescind the vote by which the motion to reconsider the vote by which Senate bill No. 73 was finally passed and the motion to reconsider tabled.

The motion to rescind prevailed.

Senator Meachum moved to reconsider the vote by which Senate bill No. 73 was finally passed.

The motion to reconsider prevailed.

Senator Meachum moved to reconsider the vote by which Senate bill No. 73 was ordered engrossed.

The motion prevailed, which placed the bill before the Senate on second reading.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill as amended by striking out of the bill as amended all between the word "rehearing" in line 19, page 1, and the word "application" in line 21, page 1, and insert in lieu thereof the following:

"If such motion is filed in the Court of Civil Appeals; but, if the party desiring to apply for a writ of error does not wish a rehearing in the Court of Civil Appeals, it shall not be necessary for such party to file a motion for rehearing in the Court of Civil Appeals as the predicate for a petition for writ of error to the Supreme Court; and, if no motion for a rehearing is filed in the Court of Civil Appeals, then the petition for writ of error shall be filed with the clerk of the Court of Civil Appeals within thirty days after the filing by the Court of Civil Appeals of its findings of fact and conclusions of law. And upon the filing of a petition for writ of error, the clerk of the Court of Civil Appeals shall note upon his record the filing of said."

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Kellie.	Ward.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Watson.
Masterson.	Weinert.
Real.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Kellie.	Ward.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Watson.
Masterson.	Weinert.
Real.	

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No 23, A bill to be entitled "An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency."

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

House bill No. 122, A bill to be entitled "An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for a board of trustees and other officers of such district; to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authorities of said board of trustees, and declaring an emergency," with engrossed rider.

House bill No. 123, A bill to be entitled "An Act amending Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State, and declaring an emergency."

House bill No. 126, A bill to be entitled "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll taxpayers on the public roads of said counties; and to provide

adequate penalties for the violation of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Sections 1, 2, 33, 53 and 54 of the Acts of the Twenty-third Legislature entitled "An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby, Smith and Rusk and auxiliary thereto,"' etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills (see above message for captions of):

House bill No. 126, referred to Committee on Roads, Bridges and Ferries.

House bill No. 122, referred to Committee on Educational Affairs.

House bill No. 123, referred to Committee on Insurance, Statistics and History.

HOUSE BILL NO. 16.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 16, A bill to be entitled "An Act to amend Article 1019, Title 27, Chapter 16, of the Revised Civil Statutes of the State of Texas, relating to appearances by brief of attorneys for either party in the Courts of Civil Appeals, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Kellie, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Bryan.

Cofer.
Greer.
Harper.
Hayter.

Holsey.
Hume.
Kellie.
Mayfield.
Meachum.
Murray.
Paulus.
Peeler.

Perkins.
Senter.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Willacy.

Absent.

Hudspeth.
Masterson.
Real.
Stokes.

Sturgeon.
Watson.
Weinert.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hume.
Kellie.
Meachum.

Mayfield.
Murray.
Paulus.
Peeler.
Perkins.
Senter.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Willacy.

Absent.

Bryan.
Hudspeth.
Masterson.
Real.

Stokes.
Sturgeon.
Watson.
Weinert.

Senator Kellie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 17.

The Chair laid before the Senate, on second reading.

House bill No. 17, A bill to be entitled "An Act to amend Article 1407, Chapter 19 of Title 30, Revised Civil Statutes of Texas, 1895, relative to appeal bond on any appeal or writ of error."

Senator Cofer offered the following amendment, which was read and adopted:

Amend line 26, page 1, by inserting after the word "Texas" when it first appears, the following words, "nor any city, town or village incorporated under the general law or any special law."

COFER,
PEELER.

Bill read second time, and passed to third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hume.
Kellie.
Mayfield.

Meachum.
Murray.
Paulus.
Peeler.
Perkins.
Senter.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Willacy.

Absent.

Hudspeth.
Masterson.
Real.
Stokes.

Sturgeon.
Watson.
Weinert.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hume.
Kellie.
Mayfield.
Meachum.

Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Willacy.

Absent.

Hudspeth.
Masterson.
Real.

Watson.
Weinert.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senators Senter and Alexander:

Whereas, The recent disastrous fires in Fort Worth and Dallas caused such loss and suffering as to call for the con-

sideration of the Legislature under the provisions of Article 8, Section 10, of the Constitution, authorizing the release of the inhabitants of any county, city or town from taxation in case of great public calamity; therefore be it

Resolved, That the Governor is hereby requested, when he shall submit the appropriation bill for the consideration of the Legislature to also submit to the Legislature the question as to whether the occupants of homes, which were destroyed in said fires shall be released from taxation for such period as the Legislature may deem just and expedient.

The resolution was laid on the table subject to call.

HOUSE BILL NO. 3.

The Chair laid before the Senate, on second reading,

House bill No. 3, A bill to be entitled "An Act to amend Article 529n of the Penal Code of the State of Texas adopted at the Regular Session of the Twenty-fourth Legislature of the State of Texas; Article 529h of Chapter 98 of the Acts of the Regular Session of the Twenty-fifth Legislature of Texas; Article 529g of Chapter 90 of the Acts of the Regular Session of the Twenty-ninth Legislature of Texas, Article 2518, 2518j, 2518m, 529e, 529j, 529o of Chapter 126 of the Acts of the Regular Session of the Thirtieth Legislature of Texas, and adding thereto Article 2518k, referring to licenses required of dealers in fish and oysters, and Article 529j, referring to the screening of pumps, etc.; and repealing all laws in conflict with the above, relating to the duties and powers of the Game, Fish and Oyster Commissioner."

The committee report, with an amendment, was read and adopted.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by striking out of line 8 page 5, the word "residence."

MURRAY,
WILLACY.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by striking out the words "State of Texas," in line 8, page 5, and insert in lieu thereof the words "United States."

MURRAY,
WILLACY.

Senator Murray offered the following

amendment, which was read and adopted:

Amend the bill by striking out of line 29, page 5, the following: "\$5.00," and insert in lieu thereof the following: "\$2.50."

MURRAY,
WILLACY.

Senator Murray offered the following amendment, which was read and adopted:

Strike out in line 12, page 8, the words "and one half pounds," and insert the word "pound."

MURRAY,
WILLACY.

Senator Murray offered the following amendment, which was read and adopted:

Amend by striking out the words "one pound," in line 13, page 8, of the printed bill and insert the words "three-fourths of one pound."

MURRAY,
WILLACY.

Senator Murray offered the following amendment, which was read and adopted:

Strike out in line 32, page 12, and in line 8, page 13, the words "and one-half."

MURRAY,
WILLACY.

Senator Holsey offered the following amendment:

Amend the bill, page 12, line 12, at the end of line 12, by striking out "\$250," and insert in lieu thereof "\$200."

Senator Hume moved to table the amendment, which motion was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Mayfield.
Mechum.

Murray.
Paulus.
Peeler.
Perkins.
Real.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Willacy.

Absent.

Masterson.
Senter.

Weinert.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Absent.

Hume.
Masterson.Senter.
Weinert.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision, or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof, creating road

districts making them bodies corporate, creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264, passed by the Regular Session of the Thirty-first Legislature and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 87—HOUSE AMENDMENTS CONCURRED IN.

Senator Terrell of McLennan called up Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined districts of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof, creating road districts, making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264, passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 87, page 5, by striking out all of Section 7, after the words "of such road district," in line 10, and insert in lieu thereof the following: "Provided, such contract shall not exceed the sum of \$50, which shall be approved by the commissioners court, and all contracts exceeding the sum of

\$50 shall be awarded by the entire court, which contracts shall be binding on said county, political subdivision or defined district when work is done by contract in any county, political subdivision or defined district, bids shall be invited by publishing an advertisement in a newspaper or newspapers published in such county when the commissioners court may deem it advisable to do so, and the contract shall be awarded to the lowest and best bidder; provided, however, that the commissioners court shall have the right to reject any and all bids."

Amend Senate bill No. 87, page 5, line 15, by inserting after the words "on the," in line 15, the word "twentieth."

Amend Senate bill No. 87, page 3, line 36, by inserting after the word "published," in line 36, the following: "In the political subdivision or defined district in which bond issue is proposed, and if no newspaper is published in such political subdivision or defined district, then in some newspaper published."

The motion to concur prevailed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	

Nays—1.

Holsey.

Absent.

Masterson.	Weinert.
Senter.	Willacy.

HOUSE BILL NO. 116.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 116, A bill to be entitled "An Act creating the Nocona School District in Montague county, Texas, defining its boundaries, providing for the election of a board of trustees to manage

and control the public free schools within said district, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

The committee report, which recommended that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended and the bill puts on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	

Absent.

Bryan.	Weinert.
Masterson.	Willacy.
Senter.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Weinert.
Masterson.	

Senator Hayter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 117.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 117, A bill to be entitled "An Act incorporating the Bowie Independent School District in Montague county, Texas, for free school purposes only; defining its boundaries; providing for a board of trustees; providing for a treasurer for the funds of said district and providing for an assessor and collector of the taxes of said district; divesting the city of Bowie of the control of its public schools, and the title to school property; investing the same in said Bowie Independent School District, and its board of trustees, and prescribing the rights, powers, privileges and duties of said Bowie Independent School District, and its board of trustees and officers, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Weinert.
Masterson.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Weinert.
Masterson.	

Senator Hayter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On account of sickness in family:

Senator Weinert for yesterday and today, on motion of Senator Murray.

HOUSE BILL NO. 118.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 118, a special road law for Grayson county, Texas.

The committee report, which provided that the bill be not printed, was adopted.

Senator Cofer offered the following amendment, which was read, and adopted:

Amend the bill, page 7 of House engrossed bill, by adding after Section 20 another section to be known as "Section 21," and to be inserted just before the emergency clause:

"Section 21. The political subdivisions herein created are hereby constituted bodies politic, with power to sue and to be sued, implead and to be impleaded, and to act as corporate bodies. Said political subdivisions shall enjoy the same immunity as a county from liability for torts, and shall never be liable in any action in any court for any tort, whether of commission or omission."

Senator Cofer offered the following amendment, which was read, and adopted:

Amend the House engrossed bill, line 14, page 7, by striking out figures "21," and substituting the figure "2."

Senator Cofer offered the following amendment, which was read and adopted:

Amend the caption, line 12, page 1, by adding after the word "district" the following: "Constituting such districts bodies politic with power to sue and be sued and plead and be impleaded and exempting them from liability for torts the same as counties."

(Senator Veale in the chair.)

The bill was read second time, and passed to a third reading by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Masterson.	Watson.
Ward.	

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Masterson.	Watson.
Ward.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Weinert.
Kellie.	Willacy.
Mayfield.	

Absent.

Masterson.	Ward.
Meachum.	Watson.
Senter.	

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 76—PRINTED IN FULL.

Senator Harper moved that Senate bill No. 76 be printed in the Journal of today.

The motion was adopted.

Following is the bill in full:

S. B. No. 76. By Harper.

A BILL

To Be Entitled

An Act authorizing any life insurance company, incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any life insurance company now incorporated, or which may hereafter be incorporated under the laws of this State, may deposit with the Commissioner of Insurance and Banking of the State of Texas, for the common benefit of all the holders of its policies and annuity bonds, securities of the

kinds in which, by the laws of this State, it is permitted to invest or loan its funds, equal to the legal reserve on all its outstanding policies in force, which shall be held by said Commissioner in trust for the purpose and objects herein specified. Any such company may deposit, in lieu of the securities above referred to, any portion of the amount of its reserve on outstanding policies and annuity bonds, lawful money of the United States and any such company may also, for the purposes of such deposit, convey to said Commissioner, in trust, the real estate in which any portion of its said reserve may be lawfully invested, and in such case said Commissioner shall hold the title thereto in trust until other securities in lieu thereof shall be deposited with him, whereupon he shall reconvey the same to such company. Said Commissioner may cause any such securities of real estate to be appraised and valued prior to their being deposited with or conveyed to him in trust as aforesaid. The reasonable expense of such appraisal or valuation shall be paid by the company.

Sec. 2. After making the deposit mentioned above, no company shall issue a policy of insurance or endowment or annuity bond unless it shall have upon its face a certificate in the following words: "This policy is registered in the office of the Commissioner of Insurance and Banking of the State of Texas and approved securities equal in value to the legal reserve thereon are held in trust by said Commissioner," which certificate shall be signed by said Commissioner and sealed with the seal of his office.

All policies and bonds of each kind and class issued, and the forms thereof filed in the office of said Commissioner, shall have imprinted thereon some appropriate designating letter or figure, combination of letters or figures or terms identifying the particular form of contract, together with the year of adoption of such form, and whenever any change or modification is made in the form of contracts, policy or bond, the designating letters, figures or terms and year of adoption thereon shall be correspondingly changed.

The Commissioner of Insurance and Banking shall prepare and keep such registers thereof as will enable him to compute their value at any time. Upon written proof attested by the president or vice president and secretary of the company which shall have issued such

policies or annuity bonds, that any of them have been commuted or terminated, the Commissioner shall commute or cancel them upon his register. The net value of every policy or annuity bond, according to the standard prescribed by the laws of this State for the valuation of policies of life insurance companies, when the first premium shall have been paid thereon, less the amount of such fines, not exceeding such value as the company may have against it, shall be entered opposite the record of said policy or annuity bond in the register aforesaid at the time such record is made. On the first day of January, each year, or within sixty days thereafter, the Commissioner shall cause the policies and annuity bonds of each company to be carefully valued, and the actual value thereof at the time fixed for such valuation, less such liens not exceeding such value as the company may have against it, shall be entered upon the register opposite the record of such policy or bond, and the Commissioner shall furnish a certificate of the aggregate of such value to the company.

It shall be the duty of the Commissioner to cancel mutilated or surrendered policies and annuity bonds issued by said companies, and register other like policies or bonds issued in lieu thereof.

Each company which shall have made the deposit herein provided for shall make additional deposits from time to time in amounts not less than \$5000, and of such securities as are permitted by this section to be deposited, so that the market value of the securities deposited shall always be equal to the net value of the policies and annuity bonds issued by said company, less such liens (not exceeding such net value) as the company may have against them. So long as any company shall maintain its deposit as herein prescribed, at an amount equal to or in excess of the net value of its policies and annuity bonds as aforesaid, it shall be the duty of the said Commissioner to sign and affix his seal to the certificates before mentioned on every policy and annuity bond presented to him for the purpose by any company so depositing.

The Commissioner shall keep a careful record of the securities deposited by each company and showing by item the amount and market value thereof. If at any time it shall appear therefrom that the value of the securities held on deposit is less than the actual value of the policies and annuity bonds issued

by such company, and then in force it shall be unlawful for the Commissioner to execute the certificate on any additional policies or annuity bonds of such company until it shall have made good the deficit.

Any company depositing under the provisions of this section may increase its deposits at any time by making additional deposits of not less than \$5000 of such securities as are authorized by this section. Any such company whose deposits exceed the net value of all policies and annuity bonds it has in force, less such liens (not exceeding such net value) as the company may hold against them, may withdraw such excess, and it may withdraw any of said securities at any time by depositing others of equal value and of the character authorized by this act in their stead, and it may collect the interest, coupons, rents and other income on the securities deposited as the same accrue.

The securities deposited under this act shall be placed and kept by the Commissioner of Insurance and Banking of the State in some secure, safety deposit fire-proof box or vault in the city or town in or near which the home office of the company is located, and the officers of the company shall have access to such securities for the purpose of detaching interest coupons and crediting payments, under such reasonable rules and regulations as the Commissioner may establish.

The company shall pay the rent or charges for the safety box or vault above mentioned.

Every company making deposit under the provisions of this section shall pay to the Commissioner of Insurance and Banking for each certificate placed on registered policies or annuity bonds, or issued for that purpose, including seal, a fee of 25 cents, and such fees shall by the Commissioner be deposited with the State Treasurer to the credit of the general fund.

Sec. 3. Any life insurance company organized under the laws of this State making the deposit provided for by this act, may include as a part thereof any deposits of its securities heretofore or hereafter made representing its capital stock in complying with the law of this State, and shall only be required to deposit in addition thereto the remainder of its total reserve on outstanding policies and annuity bonds after deducting therefrom the amount of its capital stock securities so deposited.

Sec. 4. The securities deposited un-

der the provisions of this act shall be held by the Commissioner of Insurance and Banking and his successors in office in trust for the policy holders of such company so long as its policies or annuity bonds or any of them shall remain in force. In case of a liquidation of any company making such deposits, such securities shall be deposited or otherwise disposed of in accordance with the order or decree of the court having jurisdiction of the subject matter. And in case of the reinsurance of the outstanding business of any such company it shall be a condition of such reinsurance that such securities shall remain on deposit and that additional deposits of securities shall be thereafter maintained as required by this act so long as there are any of such policies or annuity bonds remaining in force.

Sec. 5. The fact that there is now no law in this State authorizing life insurance companies organized under the laws of this State to afford their policy holders the protection provided for by this act, constitutes an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SENATE BILL NO. 72.

On motion of Senator Weinert, the regular order of business (Senate bill No. 45) was suspended, and the Senate took up, out of its order, Senate bill No. 72 by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofor.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Weinert.
Mayfield.	Willacy.

Absent.

Masterson.	Terrell of McLennan.
Meachum.	Watson.

The Chair laid before the Senate, on second reading,

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "requested," in line 12, page 1, printed bill, and inserting the word "required."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting before the word "same" in line 13, page 1, printed bill, the following words: "Order of the probate judge on application of."

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Hume.	Terrell of
Masterson.	McLennan.
Meachum.	Ward.
	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.

Sturgeon.	Watson.
Terrell of Bowie.	Weinert.
Veale.	Willacy.

Absent.

Bryan.	Meachum.
Hume.	Terrell of McLennan.
Masterson.	Ward.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 45.

The Chair laid before the Senate, as regular order.

Senate bill No. 45, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice and to insure the better education of practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Further consideration of the bill was postponed indefinitely.

(Lieutenant Governor Davidson in the chair.)

SENATE BILL NO. 41.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 41, A bill to be entitled "An Act creating the office of State Fire Marshal, and defining his powers and duties, and providing for the investigation of fires for the purpose of ascertaining the cause thereof, and prescribing the duties of certain officers in connection with such investigation, and of school teachers respecting fire protection, and amending Section 8 of Chapter 18, of the General Laws of the First Called Session of the Thirtieth Legislature so as to increase the rate of taxes on fire insurance companies, and provide an additional tax sufficient to defray the expenses incurred by the maintenance of the office of State Fire Marshal and the performance of his duties as herein defined; providing penalties for violations of certain provisions of this act, and declaring an emergency."

On motion of Senator Alexander, the bill was laid on the table subject to call.

ADJOURNMENT.

On motion of Senator Mayfield, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred Senate Concurrent Resolution No. 1, relating to sine die adjournment, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass with the following amendment:

Amend to read "Saturday, April 10th, 5 p. m.," and that same be not printed.
WILLACY, Chairman.

(Floor Report.)

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 89, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, black knot, or any tree, shrub or plant infested with or by the San Jose scale, white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employes to seek out and destroy such trees, shrubs and plants or cause the same to be done, or to have such affected or infested trees treated, and providing the manner of such treatment and destruction, and for certain investigation by the Commissioner of Agriculture; providing the manner of combating such diseases and pests, and preventing their spread and dissemination; providing for the inspection of orchards, nurseries, forest trees and greenhouse plants, and giving certificates to that effect; regulating alien individuals and alien nursery companies or corporations doing business in this State; regulating the importation of

trees, shrubs, plants and all nursery stock from without the State, and regulating their transportation within the State; forbidding the selling, consignment or shipping of nursery stock, cuttings, plants, shrubs, forest trees, evergreens, ornamental and cut flowers without certificate; providing for the fumigation of certain trees, shrubs, plants; defining a nursery and nursery stock; defining an agent for a nursery or nursery stock; defining being in the nursery business; authorizing the Commissioner of Agriculture to adopt certain rules and regulations and to appoint a chief inspector of trees, shrubs and plants for this State, and prescribing and defining the qualifications of such inspector, and to employ other assistants, agents and experts and fixing their compensation; fixing fees for inspection, fixing penalties for violation of any of the provisions of this act, and directing the disposal of the penalties collected under the provisions of this act; fixing the duties of city administrations, owners of parks and city residences, to obey rules and regulations of the Commissioner of Agriculture and to co-operate with the Commissioner of Agriculture; providing that agents for nurseries shall have credentials and defining their duties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be not printed.

Mayfield, Chairman; Perkins, Holsey, Paulus, Murray, Cofer, Willacy.

(Floor Report.)

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

House Concurrent Resolution No. 3, same being a resolution asking President Taft and Secretary of State Knox to give the cotton producing States representation by appointment to diplomatic and consular positions in foreign country to the end that the market for cotton and cotton goods may be extended and broadened, etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Sturgeon, Chairman; Kellie, Cofer, Perkins, Ward.

(Floor Report.)

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 126, A bill to be entitled "An Act to amend Section 53 of Chapter 51, of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto, to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll taxpayers on the public roads of said counties, and to provide adequate penalties for the violation of the provisions of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Section 1, Section 2, Section 33, Section 53 and Section 54 of the Acts of the Twenty-third Legislature, entitled "An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby, Smith and Rusk, and auxiliary thereto," etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year; and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Murray, Sturgeon, Peeler, Mayfield, Terrell of McLennan, Perkins.

Committee Room,

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 79, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts there-

to, and to repeal all laws in conflict therewith, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 73, A bill to be entitled "An Act to amend Article 942, Chapter 2 of Title 27 of the Revised Statutes, regulating the prosecution of writs of error to the Supreme Court, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 40, A bill to be entitled "An Act to authorize and empower any party to any cause, or his attorney of record, to print or typewrite or cause to be printed or typewritten the transcript of the record in any cause on appeal or writ of error, and requiring the clerk of the trial court to proof-read and certify to the same, and providing for his compensation for the same,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 63, A bill to be entitled "An Act to amend an act to prescribe the time within which statements of facts and bills of exception may be filed in causes tried in the district and county courts of Texas; and to authorize judges whose terms of office have expired to approve statement of facts and bills of exception, and providing that judges also have ten days after adjournment of the term of court at which said cause may be tried to file

findings of facts and conclusions of law, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publication of citations as authorized under Article 1236 of the Revised Civil Statutes of Texas of 1895, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 83, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas by adding thereto Article 825a, prohibiting the cutting of wood, trees or shrubs suitable for fuel, or other useful purposes, from the enclosed lands of another; providing a penalty for a violation thereof, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers, or other persons operating railroads in this State, to be liable to employees for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow and children, and mother and father of the deceased; if none, then of the next of kin dependent upon such employees; prescribing the effect of con-

tributory negligence and assumed risk upon the right of recovery; declaring void any contract; rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set-off against any claim any sum contributed by such employer to a fund provided for such cases and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States or in any way interfere with any proceeding now pending in any court, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, April 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 66, "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court: to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

PETITIONS AND MEMORIALS.

By Senator Veale:

Dalhart, Texas, April 6, 1909.

Jno. W. Veale, Senate Chamber, Austin, Texas:

Stay with Governor Campbell and the people. Case continued.

DEL W. HARRINGTON.

By Senator Masterson:

Galveston, Texas, April 6, 1909.

Hon. T. W. Masterson, Senate, Austin, Texas:

The laboring people of Galveston county through the Galveston labor council appeal to you to actively sup-

port the passage of the Cureton Bank Guarantee Deposit bill. Answer.

C. HAUGHTON,
Chairman Legislative Board, Labor Council.

HENRY W. ERABE,
Secretary Labor Council.
M. E. SHAY,
President Labor Council.

By Senator Peeler:

Marble Falls, Texas, April 6, 1909.

Hon. J. L. Peeler, Austin, Texas:

We, your constituents, would respectfully suggest that you vote for and use your influence towards the enactment of the proposed Bank Guarantee. We would especially appreciate your influence in this direction from the fact that we now labor under the disadvantage that this bill, if enacted, will alleviate. Numerous signed.

By Senator Perkins:

Celeste, Texas, April 6, 1909.

Tom W. Perkins, Senator, Austin, Tex.

Stand pat on Senter-Hume bill.
CELESTE STATE BANK,
G. K. CHEATHAM, Cashier.

By Senator Sturgeon:

Ladonia, Texas, April 6, 1909.

Hon. B. B. Sturgeon, Austin, Texas.

Dear Sir: We commend your courageous stand for the Senter-Hume statute, and urge you to stand firm against the encroachment of socialistic and populist encroachments in individual rights.

W. E. Weldon, Sam Primm, S. E. Bartley, H. L. Hooks, Luther Kean, Liston Fry, C. H. Weldon, Geo. L. Crofford, J. D. Fraley, W. O. Nunn, H. L. Graves, H. P. Erwin, H. C. Light, W. H. Burton, Lucian Fry, E. P. Morning, S. C. Relyea, H. C. Wartell, Louie Wartell, W. G. Nunn, J. F. McFarland, J. B. Haden, M. F. Wise, Sam Roberts, Tom H. Bell, G. W. Stone, G. M. Evans, J. Womack, E. W. Cummins, and others.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, April 8, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

There being no bills and resolutions, the morning call was declared concluded.

HOUSE CONCURRENT RESOLUTION NO. 3.

The Chair laid before the Senate, as regular order,

House Concurrent Resolution No. 3, Relative to Southern representation in the diplomatic service.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted by the following vote:

Yeas—25.

Adams.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—3.

Alexander.
Brachfield.

Hudspeth.

Absent.

Hume.

Stokes.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following:

House bill No. 121, A bill to be entitled
"An Act to prevent the keeping of cer-
tain fruit trees affected with yellows.
crown-gall, black knot, or any tree, shrub
or plant infested with or by the San
Jose scale, white fly or other dangerous,
injurious or destructive pests or diseases
and declaring such affected and infested
trees, shrubs and plants a public nui-
sance, and making it the duty of the
Commissioner of Agriculture or his
agents or employees to seek out and de-
stroy such trees, shrubs and plants, or
cause the same to be done, or to have
such affected or infested trees treated;
and providing the manner of such treat-
ment and destruction, and for certain in-
vestigations by the Commissioner of Ag-
riculture; providing the manner of com-
bating such diseases and pests, and pre-
venting their spread and dissemination;
providing for the inspection of orchards,
nurseries, forest trees and greenhouse
plants and giving certificates to that
effect; regulating alien individuals and
alien nursery companies or corporations
doing business in this State; regulating
the importation of trees, shrubs, plants
and all nursery stock from without the
State, and regulating their transporta-
tion within the State; forbidding the
selling, consignment or shipping of nur-
sery stock, cuttings, plants, shrubs, for-
est trees, evergreens, ornamental and cut
flowers without such certificate; provid-
ing for the fumigation of certain trees,
shrubs and plants; defining a nursery
and nursery stock; defining an agent for
a nursery or nursery stock; defining a
dealer in nursery stock; defining being
in the nursery business; authorizing the
Commissioner of Agriculture to adopt
certain rules and regulations and to ap-
point a chief inspector of trees, shrubs
and plants for this State and prescribing
and defining the qualifications of such
chief inspector, and to employ other as-
sistants, agents and experts, and fixing
their compensation; fixing fees for in-
spection; fixing penalties for violation
of any of the provisions of this act, and

directing the disposal of penalties col-
lected under the provisions of this act;
fixing the duties of city administrations,
owners of parks and city residences, to
obey rules and regulations of Commis-
sioner of Agriculture and to co-operate
with the Commissioner of Agriculture;
providing that agents for nurseries shall
have credentials and defining their du-
ties; repealing all laws and parts of
laws in conflict herewith, and declaring
an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Da-
vidson) had referred, after its caption
had been read, the following House bill
(see above House Message for caption
of):

House bill No. 121, referred to Com-
mittee on Agricultural Affairs.

(Senator Peeler in the chair.)

SENATE CONCURRENT RESOLU-
TION NO. 3.

On motion of Senator Murray, the
regular order of business (House bill
No. 126) was suspended, and the Sen-
ate took up, out of its order, Senate
Concurrent Resolution No. 3, by the
following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Hume.
Stokes.Terrell of Bowie
Ward.

The Chair laid before the Senate
Senate Concurrent Resolution No. 3.
Be it resolved by the Senate, the House
concurring, That our representatives in
the United States Congress be, and they
are hereby requested to use their best

efforts to have a law passed authorizing the Secretary of Commerce and Labor to co-operate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries with the Fish and Oyster Commissioner of the State of Texas in making surveys of the natural oyster beds, bars and rocks in the Gulf waters upon the coast of Texas, and also to investigate the practicability of the protection and propagation of the fish in the bays and gulf coast of Texas, and there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$5000, or so much thereof as may be necessary to be used by the Governor of the State in such manner as in his judgment may be necessary in co-operating with and in aid of the United States departments, in case they undertake to make such a survey or examination as hereinabove indicated within the next two years.

Be it further resolved, That the Governor be and he is hereby requested to furnish the Texas members of the House and Senate of the United States Congress with copies of this resolution and to use his good office in securing the necessary legislation by Congress to carry into effect the purposes as indicated in this resolution.

The committee report, which provided that the resolution be not printed, was adopted.

Senator Murray offered the following amendment, which was read and adopted:

Amend the resolution by adding after the words "protection and propagation of the fish" the words "and oysters."

The resolution was read and adopted by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Holsey.	Stokes.
Hume.	Terrell of Bowie.
Paulus.	Ward.

HOUSE BILL NO. 126.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 126, A bill to be entitled "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll taxpayers on the public roads of said counties; and to provide adequate penalties for the violation of this act, approved April 10, 1893,' as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Sections 1, 2, 33, 53 and 54 of the Acts of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby, Smith and Rusk and auxiliary thereto,' etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Holsey.	Watson.
Hudspeth.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Hume.	Murray.
Kellie.	Paulus.

Stokes. Ward.
Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Hume.	Terrell of
Kellie.	McLennan.
Paulus.	Ward.
Stokes.	

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 85.

On motion of Senator Hudspeth, the regular order of business (Senate bill No. 56) was suspended, and the Senate took up, out of its order, Senate bill No. 85, by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent.

Kellie.	Ward.
Stokes.	Weinert.
Veale.	

The Chair laid before the Senate, on second reading,

Senate bill No. 85, A bill to be entitled

"An Act creating and incorporating the Bronte Independent School District, in Coke county, Texas," etc.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Harper.	Terrell of McLennan.
Kellie.	Ward.
Stokes.	Weinert.

The bill was read third time, and passed.

SENATE BILL NO. 86.

On motion of Senator Hudspeth, the regular order of business (Senate bill No. 56) was suspended, and the Senate took up, out of its order, Senate bill No. 86, by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Masterson.	Willacy.

Nays—1.

Watson.

Absent.

Harper.	Terrell of McLennan.
Kellie.	Ward.
Stokes.	Weinert.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 86, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District," etc.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent.

Harper.	Terrell of McLennan.
Kellie.	Ward.
Stokes.	Weinert.
Sturgeon.	

The bill was read third time, and passed.

REASON FOR VOTING.

I voted "yea" on Senate bills Nos. 85 and 86, being local measures offered by Senator Hudspeth, yet I am of the opinion that they are unconstitutional, because they were not submitted by the Governor, and the Constitution requires that all measures shall be submitted by the Governor in extra session before they can be discussed or passed by the Legislature, yet it has been a common custom for years to vote unanimously for all local measures as a common courtesy to Senators and Representatives offering them, and, in voting for these bills, I only did it as a courtesy

to Senator Hudspeth, believing that the Governor will not approve them.
HOLSEY.

HOUSE BILL NO. 123.

On motion of Senator Watson, the regular order of business (Senate bill No. 56) was suspended, and the Senate took up, out of its order, House bill No. 123, by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Hudspeth.	Terrell of McLennan.
Stokes.	Ward.
Sturgeon.	Weinert.

On motion of Senator Watson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Hudspeth.	Sturgeon.
Stokes.	Weinert.

The Chair laid before the Senate, on second reading,

House bill No. 123, A bill to be entitled "An Act amending Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March

22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.
Meachum.	

Nays—1.

Holsey.

Absent.

Hudspeth.	Terrell of
Masterson.	McLennan.
Stokes.	Weinert.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Hume.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.

Nays—1.

Holsey.

Absent.

Hudspeth.	Sturgeon.
Masterson.	Terrell of McLennan.
Murray.	Ward.
Stokes.	

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Watson:

Whereas, The Senate Journal of April 2, page 171, shows that Senator Watson offered as a substitute for Senate bill No. 4 the bill printed on pages 171 to 174, inclusive of the Senate Journal; and

Whereas, The said substitute bill so offered by Watson was in fact the Senter-Hume bill, which by request of said authors, was signed by Masterson, Perkins, Adams, Real, Murray, Kellie, Weinert, Paulus, Hudspeth, Sturgeon, Willacy, Greer and Peeler with said Senter and Hume as joint authors; therefore, be it

Resolved by the Senate, That the Journal be corrected so as to show that said substitute so offered was in fact the Senter-Hume banking bill and that this resolution be printed in today's Journal.

The resolution was read and adopted.

SENATE BILL NO. 56.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 56, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."

There being a favorable majority committee report and an adverse minority committee report.

On motion of Senator Senter the majority committee report was adopted.

HOUSE BILL NO. 122.

On motion of Senator Murray, the pending order of business (Senate bill

No. 56) was suspended, and the Senate took up, out of its order, House bill No. 122, by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Hume.	Sturgeon.
Stokes.	

On motion of Senator Murray, the Senate rule requiring committee reports to lie over one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Hume.	Stokes.
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The Chair laid before the Senate, on second reading,

House bill No. 122, A bill to be entitled "An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for a board of trustees and other officers of such district; to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing

school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authorities of said board of trustees, and declaring an emergency," with engrossed rider.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Hume.	Terrell of Bowie.
Real.	Watson.
Stokes.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Hume.	Terrell of Bowie.
Real.	Watson.
Stokes.	

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILL ORDERED PRINTED IN JOURNAL.

Senator Hudspeth here reported from the committee House bill No. 1, and moved that House bill No. 1 be printed in full in the Journal.

The motion prevailed.

(See Appendix for committee reports and the bill in full.)

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 118, by the following vote: Yeas, 114; nays, 0.

Also concurs in Senate amendments to House bill No. 3.

Does not concur in Senate amendments to House bill No. 17, and requests a Conference Committee be appointed. The following has been appointed on part of the House: Messrs. O'Bryan, Standifer, Fuller, McLain and Terrell of Bexar.

Also refused to concur in Senate amendments to House bill No. 11, and requests a Free Conference Committee be appointed. The following has been appointed on part of the House: Messrs. Terrell of Cherokee, Jackson, Munson, Chaney and Anderson.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 17—CONFERENCE COMMITTEE ON.

The Chair (President Pro Tem. Brachfield) announced the following Conference Committee on part of the Senate as requested by the House on House bill No. 17: Senators Willacy, Ward, Alexander, Cofer and Meachum.

(President Pro Tem. Brachfield in the chair.)

SENATE BILL NO. 56.

Action recurred on Senate bill No. 56 (see former proceedings for caption).

The question on the bill being the engrossment of same.

Senate Meachum moved that the bill be considered by sections, which motion was adopted.

(Section 3.)

There being no amendments to Sections 1 and 2, Section 3 was taken up.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill by striking out all after the word "purpose," in line 4 of Section 3, page 2, and insert a period after "purpose" instead of a comma.

(Section 4.)

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by striking out lines 10, 11 and the word "years" in line 12, page 2.

(Section 5.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 5, page 2, by striking out all of line 22 and all of line 23 except the last word of the line.

RECESS.

Senator Hudspeth moved that the Senate recess until 3 o'clock today, and Senator Cofer moved, as a substitute, that the Senate recess until 2:30 o'clock today.

Action being on the longest time first, the motion to recess until 3 o'clock was adopted by the following vote:

Yeas—16.

Adams.
Alexander.
Bryan.
Hudspeth.
Hume.
Kellie.
Meachum.
Murray.

Peeler.
Perkins.
Real.
Senter.
Terrell of McLennan.
Watson.
Weinert.
Willacy.

Nays—11.

Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.

Mayfield.
Sturgeon.
Terrell of Bowie.
Veale.
Ward.

Absent.

Masterson. Stokes.
Paulus.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Brachfield.

SENATE BILL NO. 56.

Action recurred on Senate bill No. 56.

(Section 6.)

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, Section 6, page 3, line 2, by striking out all after the word "association," in said line 2, down to the word "nothing," in line 5, and insert in lieu thereof the following: "Provided, that it shall not be compulsory upon such association, but, at its election, it may require a beneficiary member who has passed a medical examination and thereafter applies for disability benefits to pass an additional medical examination, but any such application and the action taken thereon shall be in accordance with the rules and regulations adopted and published by the association with respect thereto."

MEACHUM,
SENER.

(Section 2.)

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 2 the following:

"Section 2a. A Representative Form of Government Defined.—Any association shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of the representatives elected by the members, or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and by-laws; provided, that the elective representatives shall constitute a majority in number and have not less than a majority of the votes, nor less than the votes required to amend its constitution and by-laws; and provided further, that the meetings of the supreme or governing body and the election of officers shall be held as often as once in four years."

(Section 5.)

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 2, by inserting a "period" after the word "association," in line 26, instead of a "comma," and then striking out all of the remainder of said section thereafter.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 4, A bill to be entitled "An Act to require each corporation organized under the laws of this State to do a banking business or to receive funds on deposit to file annually with the Superintendent of Banking for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such Superintendent, to secure the depositors in such bank or other depository at such time for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity, and authorizing any other person, firm or corporation doing a banking business in the State, or receiving funds on deposit, to take the benefit of the provisions of this act, and providing for the issuance of certificates, by the Superintendent of Banking, showing compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another permit from the State, and that the makers or signers as sureties of any bond or policy of insurance or other

guaranty of indemnity executed hereunder upon making payments thereunder shall be subrogated to the rights of the depositors for whose benefit such payments shall be made, and providing penalties for the violation of the provisions of this act and for their enforcement, and declaring an emergency," with amendments.

Respectfully,
BOB BARKER,
 Chief Clerk, House of Representatives.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
 Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 74, A bill to be entitled "An Act to make it the duty of the Commissioner of Agriculture to inquire into the present system of irrigation as applied to the rice industry and other products, the character of rates and contracts used on irrigating canals, to make public his report from time to time and to transmit same to the Governor and the Legislature, giving him power and authority to employ an engineer and expert to assist him when necessary in said work, and declaring an emergency."

Respectfully,

BOB BARKER,
 Chief Clerk, House of Representatives.
 (Lieutenant Governor Davidson in the chair.)

SENATE BILL NO. 4—FREE CONFERENCE COMMITTEE ON

Senator Hudspeth called up

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges, and declaring an emergency."

And moved that the Senate do not concur in the House amendments to the bill, and requested a Free Conference Committee.

Senator Terrell of Bowie moved, as a substitute, that the Senate concur in the House amendments.

Pending discussion on the motions, Senator Alexander moved the previous question on the pending motions, which motion being duly seconded, was so ordered.

Action then recurred on the substitute motion, which was to concur in the House amendments, which motion was lost by the following vote:

Yeas—12.

Brachfield.	Mayfield.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.

Nays—18.

Adams.	Paulus.
Alexander.	Peeler.
Greer.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Sturgeon.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Action recurred on the motion to not concur in the House amendments and request a Free Conference Committee, which motion was adopted by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—1.

Cofer.

Following are the House amendments to Senate bill No. 4:

(1)

Amend the bill by striking out all preceding the enacting clause and insert in lieu thereof the following:

An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, providing additional safeguards for the protection of the depositors and other creditors of such institutions; providing that all institutions shall be mutually liable pro rata within certain limitations for the payment of the liabilities of each such institution to its guaranteed depositors, and defining the guaranteed deposits and the guaranteed depositors of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State Bank Guaranty Fund, and for its maintenance and use in the payment of guaranteed depositors of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board, to close and take possession of the property and business of such institutions, and providing for their liquidation, and for the payment of their liabilities to their guaranteed depositors out of the State Bank Guaranty Fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensation; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of

their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract or wilfully misapply its money, funds or securities, or to issue evidences of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet, any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention, or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; providing that National banking associations shall avail themselves of certain provisions of this act; and providing that any bank or trust company created by virtue of a special act of the Legislature of Texas under certain conditions may avail itself of the provisions of this act; to prohibit any officer or employee from becoming indebted to or financially interested, other than as a depositor, in any State bank or State banking and trust company, and providing for penalties for violations; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency.

(2)

Amend the bill by striking out all

following the enacting clause and insert in lieu thereof the following:

Section 1. On and after the first day of January, 1910, all banks of deposit or discount, or of both deposit and discount, and banking and trust companies in this State, organized, or that may hereafter be organized, under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, shall be liable pro rata, in the manner and proportion and to the extent hereinafter provided for the payment of all the liabilities of each such banking or other corporation to its guaranteed depositors as hereinafter defined. All of the classes of banking corporations above referred to shall for the purposes of this act, be classed and known and hereafter referred to as "State banks."

Sec. 2. All the liabilities of State banks other than liabilities to stockholders on account of stock owned by them, except debts due by such banks for which they have given collateral or other security, and debts due depositors, or other persons, upon which such State banks or any person for them or on their behalf have directly or indirectly paid or agreed to pay, or have become liable in law to pay, any interest, bonus, commission or other compensation whatever, shall be considered and defined and hereinafter referred to as their "guaranteed deposits," and the persons to whom such liabilities are or may become due and payable, shall be considered and defined and hereinafter referred to as their "guaranteed depositors."

Sec. 3. For the purpose of carrying out and enforcing the provisions of this act, there is hereby created the State Banking Board which shall be composed of the Commissioner of Insurance and Banking who is hereafter referred to in this act as the Commissioner, the Attorney General and a citizen of this State who shall be appointed by the Governor of this State, and who, prior to his appointment, shall have had five years' experience as an active officer of a bank and who shall receive as his compensation as a member of the State Banking Board, the sum of \$10 per day for each day while engaged in active discharge of his duties as a member of said Board. Immediately after this act shall take effect, said Board shall cause to be made by the State bank examiners, who are hereby placed under the direction and control of said Board

for that purpose, a full and careful examination of the affairs of each and every State bank doing business in this State, for the purpose of ascertaining its financial condition, the character, amount and values of its assets, the extent of its liabilities, the financial responsibility of its stockholders, the moral character, previous occupation, competency and business qualifications of its officers and directors, and such other facts as said Board may deem advisable and may direct; and said Board shall require a full and detailed report of such examination of each such corporation, to be made by the State Bank Examiner making such examination, under his oath of office, such report to be filed with said Board not later than the first day of December, 1909. It shall be the duty of the State Banking Board, from time to time after this act shall take effect, and prior to January 1, 1910, as the reports of examinations provided for in this section shall be filed with it, to consider and pass upon such reports, and to determine therefrom, and from such additional facts as may be submitted for its consideration or as it may ascertain from other investigation, whether such State bank is solvent and its capital stock unimpaired, and whether its officers and directors are of good moral character, competent, and possess the necessary qualifications for properly discharging the duties incumbent upon them as such officers or directors and whether it is entitled under the laws of this State to continue to transact a banking business. Said Board shall keep a record of its proceedings and findings relative to each bank considered and passed upon, and shall file a certified copy thereof, signed by each member of said Board, in the office of the Commissioner, which shall be by him duly recorded in a book to be kept for that purpose. The said Board shall not certify its approval of any State bank as being entitled to continue to transact a banking business or its approval of the chartering of any State bank, as provided in Section 5 of this act, unless it shall find the officers and directors of such bank to be of good moral character, competent and possessing the necessary qualifications to properly discharge the duties incumbent or to be incumbent upon them as such officers or directors.

Sec. 4. It shall be the duty of the Commissioner to issue to each State bank which the State Banking Board shall have approved and certified to him, as provided in the preceding sec-

tion, as being entitled to continue to transact a banking business, a certificate of authority in such form as the State Banking Board may approve, to be signed by him under his official seal, certifying that such State bank is authorized, under the laws of this State, to continue to engage in the banking business. The Commissioner shall close all State banks which the State Banking Board shall disapprove, and shall determine not to be entitled, under the laws of this State, to continue to transact the banking business and shall proceed respecting the same in the manner provided by law with respect to insolvent banks, unless such State bank shall go into voluntary liquidation.

Sec. 5. Section 2 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Sec. 2. The articles of association shall set out:

"(1) The corporate name of the proposed corporation, which shall not be the name of any corporation heretofore incorporated in this State for similar purposes, or any imitation of such name, and which shall include as a part thereof either the word 'bank' or 'banking.'

"(3) The amount of the capital stock of the corporation, which shall be divided into shares of \$100 each; that the same has been bona fide subscribed and actually paid up in lawful money of the United States, and is in the custody of the persons named as the first board of directors or managers.

"(4) The name and place of residence of the several shareholders, and the number of shares subscribed by each.

"(5) The number of directors or managers, and the names of those agreed upon for the first year.

"(6) The number of years the corporation is to continue, which in no case shall exceed fifty years."

Such articles shall be signed and acknowledged by the parties thereto, shall be filed in the office of the Commissioner of Insurance and Banking, and when so filed shall be immediately submitted to the Attorney General for his approval, and if found by him to be in accordance with the law, he shall so certify and return the same to the Commissioner of Insurance and Banking, who shall record the same in a book to be kept for that purpose, and shall make a certified copy thereof under his hand

and seal, and shall immediately deliver such certified copy to a State Bank Examiner, by whom he shall cause to be made an examination for the purpose of ascertaining whether the requisite capital stock of such corporation has been fully paid up as required by the Constitution and laws of this State. No certificate of incorporation under this act shall be valid unless at the time the articles of association were signed and acknowledged the capital stock therein prescribed shall have been bona fide subscribed and paid up in lawful money of the United States. If, upon such examination, it shall be found that the Constitution and laws have been fully complied with, the person making such examination shall deliver to the president or cashier of said corporation the certified copy of its articles of incorporation, and shall take therefor the receipt of such corporation and of the person to whom the same shall be delivered. Upon the delivery of such certified copy and the execution of the receipt therefor and upon the filing for record of such certified copy in the office of the county clerk of the county in which the corporation is to be located, the same shall become valid and effective as to the charter of said corporation, which shall thereupon be allowed to open its doors and engage in business as a State bank. It shall be the duty of the examiner to immediately make a report of such examination under his oath of office to the State Banking Board, whose duty it shall be to forthwith consider and act upon the same and to determine therefrom and from such additional facts as may be submitted for its consideration, or as it may ascertain from other investigation, whether such corporation is solvent and its capital stock unimpaired, and whether its officers and directors are of good moral character, competent and possess the necessary qualifications for properly discharging the duties incumbent upon them as such officers or directors, and whether it is entitled under the laws of this State to transact a banking business.

If the State Banking Board shall have approved the chartering of such bank, upon receipt of its certificate, the Commissioner shall issue to such corporation the certificate of authority above provided for. In case the State Banking Board shall disapprove the report of the examiner, and refuse to certify that such corporation is entitled to a certificate of authority, it shall be the duty of the Commissioner to immediately

close the office of such corporation, unless it shall go into voluntary liquidation, and to proceed in the manner provided by law with respect to insolvent banks. All amendments to the charters of all banking corporations heretofore or hereafter formed shall be filed in the office of the Commissioner of Insurance and Banking and approved by the Attorney General and recorded by said Commissioner, when so approved, in the same manner as original charters.

Sec. 6. Section 10 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Sec. 10. The articles of agreement shall be signed and acknowledged by the parties thereto and recorded in the office of the Commissioner of Insurance and Banking, who shall submit the same to the Attorney General for his approval, and if found by him to be in accordance with the law, he shall so certify and return the same to said Commissioner, who shall record the same in a book to be kept for that purpose and make a certified copy thereof under his hand and seal, and thereafter the same steps shall be taken and the same course pursued as is provided by law with respect to the incorporation of banks of deposit or discount, or both of deposit and discount."

Sec. 7. Section 5 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Sec. 5. That hereafter the capital stock of all banking corporations, which shall be fully paid up, shall not be less than \$10,000, if the business is to be transacted in towns or cities having less than 750 inhabitants, nor less than \$25,000 if the business is to be transacted in towns or cities having 750 or more and less than 3000 inhabitants; nor less than \$50,000, if the business is to be transacted in towns or cities having 3000 or more and less than 6000 inhabitants; nor less than \$100,000 if the business is to be transacted in towns or cities having 6000 inhabitants or more. Provided, that a banking corporation may be formed with a capital, with not less than \$50,000, having power to transact business in any city or town at a point, designated in its charter, not less than one mile removed from the place of business, at the time such corporation is formed, of any banking corpora-

tion organized under the laws of Texas or those of the United States. The population of all towns and cities for the purpose of fixing the minimum capital stock of banks under this act shall be ascertained by the Commissioner of Insurance and Banking from such affidavits as may be submitted to him or such proof as he may obtain upon investigation."

Sec. 8. All State banks transacting business in this State shall be required, on and after the first day of January, 1910, to hold a certificate of authority to transact a banking business, issued by the Commissioner, in compliance with the provisions of this act, and to keep the same conspicuously posted at all times in the banking house where such business is transacted. Any person or persons who shall, in any capacity, transact, or hold themselves out as transacting the business of banking for or on behalf of any State bank or banking or trust company, after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks, as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense, each day being considered a separate offense, by a fine of not less than \$500 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 9. The Commissioner shall, during the month of November, 1909, and of each calendar year thereafter, require the cashier of each State bank, which has been so organized and doing business for one year prior to November 1 of each such calendar year, to file with him a sworn statement of the average daily deposits of such bank for said year ending November 1; and he shall require the cashiers of all other State banks to each file with him, during said month of November, a sworn statement of the total amount of the capital, surplus and undivided profits of their respective banks, as of said first day of November. Immediately after the first day of December, 1909, the State Banking Board shall, for the purpose of creating a State bank guaranty fund, levy against each State bank, which it shall have approved as being entitled to con-

tinue in the banking business, an assessment of one per cent of its average daily deposits for the year ending on the first day of November, 1909, if it shall have transacted business for one year prior to said date, or an assessment of 3 per cent of its total capital, surplus and undivided profits as of the first day of November, 1909, if it shall not have transacted business for one year prior to that date; provided, that if said assessment shall not in the aggregate provide a fund of at least five hundred thousand (\$500,000) dollars, then the same shall be proportionately increased to such percentage of the average daily deposits and of the capital, surplus and undivided profits, respectively, as will provide a fund of that amount. Immediately after the first day of December of each year after 1909, the State Banking Board shall levy and readjust the assessment above provided for in the same manner except that they shall each succeeding year increase the percentage of the assessment upon the average daily deposits of the banks to which such assessment is applicable by one-fourth of one per cent, and they shall increase the percentage of assessment upon the capital, surplus and undivided profits of banks to which such assessment is applicable by three-fourths of one per cent until such time as the total amount of said State bank guaranty fund shall equal five per cent of the average daily deposits of all of the State banks which have been in business for as much as one year added to fifteen per cent of the capital, surplus and undivided profits of all other State banks. Each State bank shall pay such assessments by crediting the State bank guaranty fund with the amount thereof upon its books as of date January 1, next, after the said assessment is made, as a demand deposit, subject to check, upon the order of the State Banking Board, and shall, prior to said date, forward to the Commissioner proper evidence of such credit, and each State bank shall charge the amount of each such assessment so credited to the State bank guaranty fund upon its books to "interest in State bank guaranty fund," and shall be entitled to treat in its statements of condition and otherwise the amount of its said interest in said fund, as shown by its books as a portion of its assets; provided, that the amount of its said interest in said fund shall not include any of the amounts paid out upon general checks

drawn by order of the State Banking Board. The levy and readjustment of the assessment herein provided for shall be made on such a basis as will provide a State bank guaranty fund as of January 1 of each succeeding year equal to the percentages herein prescribed of the average annual deposits and capital, surplus and undivided profits, respectively, for each succeeding year until the maximum percentage herein prescribed shall be attained and thereafter such levy and readjustment shall be made each year upon such a basis as will provide a fund upon January 1 of each year amounting to five per cent of the annual deposits and fifteen per cent of the capital, surplus and undivided profits as hereinabove provided for.

If, in the making of such levy and readjustment, it becomes necessary to reduce the amount of the assessment of any State bank, said Board shall order a check to be signed by the Commissioner and countersigned by some other members of said Board, designated for that purpose, drawn upon said State bank in favor of itself, dated January 1 next thereafter, for the amount of such reduction, which the Commissioner shall forthwith transmit to such State bank, and if it shall be necessary to increase the assessment of any State bank, it shall direct the Commissioner to notify such State bank of the amount of such increase, and require that it credit the State bank guaranty fund with the amount of such increase, as of date of the first day of January thereafter, and send to the Commissioner proper evidence of such credit, prior to said date. Any State bank incorporated after the first day of January, 1910, shall, before it shall be issued a certificate of authority to transact a banking business, credit the State guaranty fund upon its books, as hereinbefore provided, with an amount equal to three per cent of its capital stock and paid in surplus, if any, and furnish the Commissioner with proper evidence of such credit. Whenever the amount deposited to the credit of the State bank guaranty fund on the books of the various State banks shall at any time be reduced by the payment of checks drawn upon them by order of the State Banking Board, for the purpose of paying the guaranteed deposits of any State bank, as hereinafter provided for, below the amount of such credit as of the first day of January next preceding, it shall be the duty of the State Banking Board to immediately

levy an assessment based upon the average daily deposits, and upon the capital, surplus and undivided profits, as shown by the sworn statements filed in the preceding November, as herein provided, sufficient to make good such reduction; provided, that the total assessments made for the purpose of making good such reduction shall not exceed two per cent of such average daily deposits for any one calendar year exclusive of the one-fourth of one per cent required to be placed to the credit of the bank guaranty fund each year as heretofore stated, and the various banks shall immediately furnish the Commissioner proper evidence of such additional credit; but this provision shall not apply to special checks drawn only on certain banks by order of said Board, as hereinbefore provided.

It shall be the duty of the Commissioner to keep a strict account with each State bank in which any portion of the State bank guaranty fund is deposited in a book to be kept for that purpose, showing all amounts credited to said fund, in each bank, and all checks drawn against the same, and it shall be his duty to immediately notify any such bank of any discrepancy between the status of its account as shown upon his books and any statement made by such bank or any report of its examination, and he shall also call such discrepancy to the attention of the State Banking Board.

Whenever any State bank shall pay off and discharge all its liabilities to its creditors and go into liquidation for the purpose of voluntarily winding up its affairs and surrender to the Commissioner its certificate of authority, it shall be the duty of the State Banking Board upon a showing of these facts to order the Commissioner to draw a check upon such State bank in its favor for the amount of the State bank guaranty fund on deposit therewith, which shall be thereby repaid to it upon such liquidation, provided nothing in this act shall be construed so as to guarantee interest-bearing deposits in such bank.

Sec. 10. Whenever the Commissioner shall have reason to believe that the capital stock of any State bank is reduced by impairment or otherwise below the amount required by law or by its certificates of authority or articles of incorporation, he shall present the matter to the State Banking Board for its consideration, and if said Board shall determine thereupon that the capital

stock of such State bank is impaired to the extent of not more than twenty-five per cent thereof, the Commissioner shall require such State bank to make good the deficiency within sixty days after the date of such requisition. If said Board shall determine that the impairment exceeds 25 per cent of the amount of the capital stock, the Commissioner shall require that such State bank forthwith reduce the amount of such impairment to less than 25 per cent and to make good the whole impairment within sixty days from the date of such requisition. The Commissioner may examine or cause to be examined any such State bank to ascertain the amount of such impairment and whether the deficiency has been made good, as required by him. The directors of every such State bank upon which such requisition shall have been made shall give notice of such requisition to each stockholder of the corporation and of the amount of the assessment which he must pay for the purpose of making good such deficiency by a written or printed notice mailed to such stockholder at his place of residence or served personally upon him, and a meeting of the stockholders of such bank shall forthwith be called for the purpose of determining whether or not such bank shall make good such deficiency or impairment or liquidate; and if it be decided to make good such deficiency or impairment, each stockholder shall thereupon become liable for, and shall pay his pro rata part of said assessment, and if any stockholder shall refuse or neglect to pay the assessment specified in such notice within the time provided by the requisition of the Commissioner, the directors shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving previous notice of such sale for two weeks in a newspaper of general circulation published in the county where the principal office of such corporation is located; or such stock may be sold at private sale and without such published notice; provided, however, that before making private sale thereof an offer in writing to purchase such stock shall be obtained and a copy thereof served upon the owner of record of the stock caused to be sold either personally or by mailing a copy of such offer to such owner at his place of residence or address furnished by him to such State bank; and if after service of such offer such owner shall still refuse or neglect to pay such assessment

within two weeks from the time of service of such offer, the said directors may accept such offer and sell such stock to the person or persons making such offer, or to any other person or persons making larger offer than the amount named in the offer submitted to such stockholder; but such stock shall in no event be sold for a smaller sum than the valuation put on it by the Commissioner in his determination and certificate, which valuation shall not be less than the amount of the assessment called for and the necessary costs of sale. Out of the avails of the stock sold the directors shall pay the necessary cost of sale and the amount of the assessment called for thereon. The balance, if any, shall be paid to the person or persons whose stock has been thus sold. The sale of stock as herein provided shall effect the cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void, and a new certificate or new certificates shall be issued to the purchaser or purchasers of said stock. If it shall appear to the Commissioner that any State bank has violated its charter or any law binding upon it, he may, by an order under his hand and official seal, addressed to such State bank, direct the discontinuance of such violation; or, if it shall appear to the Commissioner that any such State bank is conducting its business in an unsafe or unauthorized manner, he may in like manner direct the discontinuance of such unsafe or unauthorized practices. Such order shall require such State bank to show cause before the State Banking Board at a time and place to be fixed by the Commissioner, why said order should not be observed.

Sec. 11. If the capital stock of any State bank shall be impaired and such impairment is not made good as required by law, or if any such State bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of such State bank, or if it shall violate its charter, or any law of the State, or if such State bank shall suspend payment of its obligations, or if such State bank shall conduct its business in an unsafe or unauthorized manner, or if from any examiner's or other report provided for by law the Commissioner shall conclude that such State bank is in an unsafe or unsound condition to transact the

business for which it is organized, or that it is unsafe and inexpedient for it to continue business, and the Commissioner shall communicate the facts to the Attorney General, an action to procure a judgment dissolving such corporation and forfeiting its charter may be maintained.

Sec. 12. Whenever it shall appear to the Commissioner that any State bank has violated its charter or any law of the State, or is conducting its business in an unsafe or unauthorized manner, or if any such State bank shall refuse to submit its books, papers, and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concern of any such State bank, or to answer under oath any interrogatories touching such concern, sent him by the Commissioner through the mails with the requests for such answer, within ten days after the same shall have been mailed to him at his address by registered letter, or if any such State bank shall suspend payment of its obligations, or if from any examination or report provided for or authorized by law, the Commissioner shall have reason to conclude that such State bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe or inexpedient for it to continue business, or if any such State bank shall neglect or refuse to observe an order or requisition of the Commissioner to reduce or make good the impairment in its capital stock, as required by law, the Commissioner may forthwith take possession of the property and business of such State bank and retain such possession until such State bank shall resume business, or its affairs are finally liquidated, as herein provided. On taking possession of the property and business of any such State bank, the Commissioner shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals holding or in possession of any assets of any such State bank.

No bank, trust company, association or individual knowing of such taking possession by the Commissioner, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred against any of the assets of the State bank of whose property and business the Commissioner shall have taken possession as aforesaid. Such State bank may, with the con-

sent of the State Banking Board, resume business upon such condition as may be approved by it, which permission shall be evidenced by a written statement to that effect from the Commissioner. Upon taking possession of the property and business of such State bank, the Commissioner is authorized to collect moneys due to such corporation, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided. The Commissioner shall collect all debts due and claims belonging to such State bank, and upon the order of the district court, if in session, or the judge thereof if in vacation, of the county in which it was located and transacting business, may sell or compound all bad or doubtful debts, and on like order may sell the real or personal property of such State bank on such terms as the court shall direct; and may, if necessary to pay the debts of such State bank, enforce the individual liability of the stockholders. The Commissioner may, under his hand and official seal, appoint one or more special agents to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the Commissioner and a certified copy in the office of the clerk of the county court in which such State bank was located and transacted business. The Commissioner may, from time to time, authorize a special agent to perform such duties connected with such liquidation and distribution as the said Commissioner may deem proper. The Commissioner may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such State bank, and may retain such of the officers or employees of such State bank as he may deem necessary. The Commissioner shall require from a special agent and from such assistants such security for the faithful discharge of their duties as he may deem proper. The Commissioner shall cause notice to be given by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons who may have claims against such State bank to present the same to the Commissioner and make legal proof thereof at a place and within a time not earlier than the last day of publication to be therein specified, which notice shall contain a statement, in larger type than that in which the body of such notice is print-

ed, specifically stating that all such claims of guaranteed depositors must be presented and legal proof thereof made at the place designated within forty-five days after the date which the property and business of such State bank was taken possession of by the Commissioner, and that all claims of guaranteed depositors presented after the expiration of forty-five days shall not be entitled to payment of any portion thereof out of the State bank guaranty fund. The Commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the State bank. If the Commissioner doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the Commissioner. The action upon a claim so rejected must be brought within six months after such service. Claims presented after the expiration of the time fixed in the notice to the creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the Commissioner equitably applicable thereto. Upon taking possession of the property and assets of such State bank, the Commissioner shall make an inventory of the assets of such State bank in duplicate, one to be filed in the office of the Commissioner and one in the office of the clerk of the county court in which such State bank was located and transacting business: upon the expiration of the time fixed for the presentation of claims, the Commissioner shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, and showing fully all claims and amounts paid to guaranteed depositors out of the State bank guaranty fund, and the amount to which said fund is entitled by reason of its subrogation to the rights of such guaranteed depositors so paid, and all amounts held by him on account of claims of guaranteed depositors, which have been rejected or are in dispute, one to be filed in the office of the Commissioner and one in the office of the clerk of the county court of the county in which such State bank was located and transacted business. Such inventory and list of claims shall be open at all reasonable times to inspection. All compensation of special agents, counsel and other employes

and assistants, and all expenses of supervision and liquidation shall be fixed by the Commissioner, subject to the approval of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacting business, on notice to such State bank; provided, that the compensation of such special agents shall always be the same as is provided by law for State Bank Examiners, and shall, upon the certificate of the Commissioner, be paid out of the fund of such State banks in the hands of the Commissioner. The moneys collected by the Commissioner shall be from time to time deposited in one or more State banks, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. At any time after the expiration of the date fixed for the presentation of claims, the Commissioner may, out of the funds remaining in his hands, after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of a notice to creditors, he may declare a final dividend, such dividends to be paid to such person and in such manner, and upon such notice as may be directed by the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In the declaration and payment of all such dividends, the State bank guaranty fund shall be entitled to receive as its dividend such portions of the amounts due and payable to guaranteed depositors as shall have been paid to them out of the State bank guaranty fund, together with 6 per cent interest thereon from the date or dates upon which checks were drawn upon all State banks, as hereinafter provided to provide for the payment of the guaranteed deposits of such State banks, and the Commissioner shall forthwith distribute such dividends to the State banks upon which checks were drawn for such payment of guaranteed depositors in proportion to the amounts of such checks, respectively. Objections to any claim not rejected by the Commissioner may be made by any party interested by filing a copy of such objections with the Commissioner, who shall present the same to the district court, if in session, or the judge thereof, if in vacation, at the time of the next application to declare a dividend. The court may make proper provision for unproved or unclaimed deposits. When-

ever any such State bank, of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time within ten days after such taking possession, apply to the district court, if in session, or the judge thereof, if in vacation, of the district in which such bank is located and transacting business to enjoin further proceedings, and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits dismiss such application or enjoin the Commissioner from further proceedings and direct him to surrender such business and property to such State bank. Whenever the Commissioner shall have paid to each and every depositor and creditor of such State bank (not including stockholders), except for the amount of their deposits over and above their liability under the law as stockholders, whose claim or claims as such creditors or depositor shall have been duly proven and allowed, the full amount of such claims, and shall have repaid to the State bank guaranty fund all amounts paid out of it to guaranteed depositors of such State bank, together with 6 per cent interest thereon from the date when the checks to provide for such payment were drawn and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the Commissioner shall call a meeting of the stockholders of such State bank by giving notice thereof for thirty days in one or more newspapers in the county where such State bank was located and transacted business. At such meeting the stockholders shall determine whether the Commissioner shall be continued as liquidator, and shall wind up the affairs of such State bank, or whether an agent or agents shall be elected for that purpose, and in so determining, the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and a majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the Commissioner, he shall complete the liquidation of such corporation, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner, and upon

such notice as may be directed by the district court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary for a choice. Such agent or agents shall execute and file with the Commissioner a bond, in such amount, with such sureties and in such form as shall be approved by the Commissioner, conditioned for the faithful performance of all the duties of his, or their trust, and thereupon the Commissioner shall transfer and deliver to such agent, or agents, all the undivided and unclaimed or other assets of such State bank then remaining in his hands; and upon such transfer and delivery the said Commissioner shall be discharged from any and all further liability to such State bank and its creditors and stockholders. Such agent, or agents, shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said State bank, as is herein provided in the case of distribution by the Commissioner, except that the expenses thereof shall be subject to the direction and control of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In case of the death, removal or refusal to act of such agent or agents, the stockholders, on the same notice, to be given by the Commissioner, upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may select a successor, and shall have the same power and be subject to the same liabilities and duties as the agent originally elected. Dividends and unclaimed deposits remaining unpaid in the hands of the Commissioner for six months after the order for final distribution, shall be by him deposited in some State bank to be designated by the State Banking Board to the credit of the Commissioner in his name of office, in trust, for the several depositors with, and creditors of, the liquidated State bank from which they were received, who are entitled thereto. The Commissioner shall show in his official report the names of the State banks so taken possession of and liquidated, and the amounts of unclaimed and unpaid deposits or dividends, with respect to each of them respectively. The Commissioner shall pay over the moneys so held by him to the per-

sons respectively entitled thereto, upon the order of the State Banking Board, who shall direct such payment to such persons upon being furnished satisfactory evidence of their right to the same. In cases of doubt or conflicting claims, the State Banking Board may require an order of the district court, if in session, or the judge thereof, if in vacation, authorizing and directing the payment thereof. The State Banking Board may apply the interest earned by the moneys held by the Commissioner, or may authorize him to apply the same toward defraying the expenses incurred in the payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive the same, and the Commissioner shall include in his official report a statement of the amount of interest earned by such unclaimed dividends. Any State bank may, at any time, place its affairs and assets under the control of the Commissioner by posting a notice on its front door, as follows: "This institution is in the hands of the Commissioner of Insurance and Banking of the State of Texas." The posting of this notice or of the same notice by the Commissioner or any State bank examiner at any time when he shall have taken possession of the property and business of a State bank, shall be sufficient to place all its assets and property of whatever nature in the possession of the Commissioner and shall operate as a bar to any attachment proceedings whatever.

Sec. 13. Section 40 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby repealed.

Sec. 14. Whenever any State bank shall voluntarily place itself in the hands of the Commissioner, or whenever the Commissioner shall take possession of the property and business of any State bank, in addition to the other duties required of him by law, he shall immediately cause to be made a thorough and complete examination of the affairs of such State bank by a State bank examiner, and shall require a report of such examination to be made to him by the examiner making the same, under his oath of office, which shall be without delay submitted to the State Banking Board for its consideration. Such report shall show the amount of the liabilities of such State bank to guaranteed depositors as defined by this act, so shown by its books, and also the

amount of any such liabilities of which the examiner may have received information not shown by such books and all its other liabilities, and also its total cash and other resources and the probable amount that can be realized out of the collection of its debts and the probable time within which the same may be realized, the responsibility of its stockholders, and such other facts as the Commissioner or the State Banking Board may direct. When the State Banking Board shall have considered such report it shall either make an order directing that the entire amount of the guaranteed deposits as herein defined of such State bank be paid by the Commissioner, personally, or through his special agent, in cash, upon satisfactory proof of the indebtedness due to each of such guaranteed depositors being made, or it may make an order directing that the Commissioner, either personally or through his special agent, shall issue to such guaranteed depositors, upon satisfactory proof being made of the amount due him by said State bank as a guaranteed deposit, a certificate (or certificate as hereinafter provided) certifying that the holder is a guaranteed depositor in such State bank, and as such is entitled to be paid out of the State bank guaranty fund, the amount stated in such certificate and that the said amount is due and will be paid over to the owner or holder of such certificate, together with 6 per cent interest thereon, sixty days after the date of the closing of such State bank by the Commissioner, out of said State bank guaranty fund (provided that if prior to the expiration of such period of sixty days said State bank shall be lawfully permitted to resume business, then and in that event such certificate shall be payable and redeemable in cash upon presentation to said State bank by it instead of by the Commissioner out of said State bank guaranty fund). Such certificates shall be in form prescribed and approved by the State Banking Board, and shall be signed or countersigned by the Commissioner or such other member of said Board, as it shall direct, and shall be so devised and designated as to guard against alteration or misuse. Such certificates may, at the option of the guaranteed depositor entitled to receive the same, be issued in such reasonable denominations as he may desire; provided, that the total amount of such certificates so issued to each guaranteed de-

positor shall equal the amount due him as a guaranteed depositor. The amount which shall be paid to any guaranteed depositor in any State bank on account of his guaranteed deposit, a portion or all of which shall be payable out of the State bank guaranty fund, shall be the net amount derived by deducting from the total amount of the liability of said State bank to him, as a guaranteed depositor, the amount of his direct and indirect indebtedness and liability due or to become due, if any, to said State bank.

Sec. 15. Should the State bank guaranty fund become depleted, then the State Banking Board, upon the approved claims of all guaranteed depositors, shall issue certificates, which, at the option of the depositor entitled to receive the same, may be issued in such reasonable denominations as he may desire, provided that the total of such certificates shall equal the total amount due such guaranteed depositor, which certificates shall be numbered consecutively, and shall bear interest at the rate of 6 per cent per annum, and shall be payable, principal and interest, out of the State bank guaranty fund upon call of the State Banking Board, as soon as a sufficient amount shall have been accumulated under the terms and provisions of this act. The Commissioner shall keep a record of the issuance and number of such certificates, and the payment of the same shall be in accordance with the numbers of such certificates, as shown by the record in the office of the Commissioner.

Sec. 16. When any State bank shall voluntarily place itself in the hands of the Commissioner, or when he shall take possession of the property and business of any State bank, he shall immediately after the State Banking Board shall have passed upon the examiner's report and determined and directed how the guaranteed depositors shall be paid, cause a written notice to be sent to each and every guaranteed depositor, as shown by the books of said State bank, informing him that his claim as a guaranteed depositor against said State bank must be presented and proved up for payment, not later than forty-five days after the date upon which the Commissioner took possession of said State bank, which notice shall advise such guaranteed depositor whether his claim is to be paid in cash or in certificates as herein provided, and shall inform him that unless his claim be

proven up within forty-five days after the date upon which the Commissioner took possession of said bank, the same will not be payable in any event out of the State bank guaranty fund.

Sec. 17. If the State Banking Board shall make an order directing that the guaranteed depositors in a closed State bank shall be paid in cash, it shall immediately order the Commissioner to draw checks, countersigned by some other member of said board designated for that purpose, which shall be known and marked as "special checks," on such of the State banks and for such portions of the amount of the State bank guaranty fund on deposit therewith, respectively, as it may determine and direct, for amounts sufficient in the aggregate to pay in full the amount due to the guaranteed depositors of said State banks. The State Banking Board shall have the right to order other additional special checks drawn as above provided in case they shall find that the amount originally estimated will prove insufficient to pay all guaranteed depositors. Such special checks shall be made payable to the order of some State bank, and shall be deposited by the Commissioner in such bank as a special deposit for the purpose of paying the guaranteed depositors in the State bank of which he shall take possession, and shall be subject to his check for that use and purpose. The Commissioner may, if so directed by the State Banking Board, draw the sums so deposited in cash upon checks made payable to himself for the purpose of paying in cash the guaranteed depositors of said closed State bank. With the fund so provided, the Commissioner shall immediately proceed, either personally or through his special agents, to pay all claims of guaranteed depositors as they may be presented and proven up, taking receipts therefor in such form as may be prescribed by the State Banking Board. At the expiration of forty-five days after the Commissioner shall have taken possession of the property and business of any State bank whose guaranteed depositors he shall have paid in cash, he shall make report to the State Banking Board of the total amount of guaranteed deposits of such institution, and of the amount of such guaranteed deposits made by him, and to whom paid and of the amount of claims presented by guaranteed depositors which he has rejected and disallowed, and of any amount of cash he has on hand on ac-

count of such claims, and of any amount which he may have paid or contracted to pay out of said State bank guaranty fund in connection with the expenses incident to the payment of such guaranteed deposits, and of the amount remaining in his hands or on special deposit in his name out of the funds provided by special checks for the payment of the guaranteed depositors of such State bank, and of the amount of money in his hands belonging to said closed State bank which may be properly paid into the State bank guaranty fund on account of the guaranteed deposits paid out of such fund. Such report shall be accompanied by proper vouchers for all expenditures so made by the Commissioner, or his special agent. The State Banking Board shall thereupon consider such report, and carefully audit the same in connection with the vouchers submitted therewith, and if it approve the same it shall order the Commissioner to draw checks, countersigned by some other member of said board designated for that purpose, upon all State banks other than those upon whom such special checks were drawn for their respective proportionate amounts of such sum as may be necessary in addition to such amount as may remain unexpended in the hands of the Commissioner out of proceeds of such special checks, and such amount belonging to said closed bank as may be in his hands, which is due and payable, as aforesaid, to the State bank guaranty fund, to repay the amounts drawn by such special checks. Each of the checks so drawn shall be for that proportion of such sum which the amount of the State bank guaranty fund on deposit in each such State bank bears to the total amount of said State bank guaranty fund, and such checks shall be payable to the order of some State bank in which there shall be deposited by the Commissioner to his credit as a special deposit, and against such special deposit shall immediately draw his check in favor of each of the State banks upon whom the special checks were drawn for the difference between the amount of such special checks drawn upon each bank and its proportionate amount of the cash raised upon all of such special checks so drawn, and he shall immediately transmit the same to such State banks upon whom such special checks were drawn in repayment of the amount advanced by them over and above the amount proportionately due by them.

Sec. 18. If the State Banking Board shall direct that the guaranteed depositors of any State bank of the business and property of which the Commissioner shall take possession shall be paid in certificates, as provided in this act, the Commissioner, personally, or through his special agent, shall issue certificates as provided herein to each guaranteed depositor as his claim may be presented and proved up, and at the expiration of forty-five days after he shall have taken possession of such State bank, he shall report to the State Banking Board the total amount of the guaranteed deposits of such State bank, claims for which have been proven up and allowed and paid in such certificates and of the amount of cash in his hands belonging to said State bank, which is due and payable to the State bank guaranty fund, or can properly be applied to the redemption of such certificates so issued. It shall be the duty of the State Banking Board to consider said report, and to determine therefrom the amount necessary to draw from the State bank guaranty fund to redeem the certificates issued and pay the interest accrued thereon, and to pay the expenses of handling and administering the affairs of said State bank properly payable out of said fund, and to direct the Commissioner to draw checks, countersigned by some other member of said Board designated for that purpose upon each State bank for the proportion of said amount which the amount of the State bank guaranty fund on deposit in such State bank bears to the total amount of said State bank guaranty fund. Such checks shall be payable to the order of some State bank and shall be deposited, together with the funds in the hands of the Commissioner belonging to such closed State bank, due and payable to the State bank guaranty fund, in some State bank, to his credit as a special deposit for the purpose of redeeming such certificates; and the Commissioner shall immediately, upon the expiration of sixty days after the date upon which he took charge of said bank, or if the State bank guaranty fund is depleted, upon call of the State Banking Board, pay the certificates theretofore issued by him or his special agent, as the same shall be presented for payment, together with interest thereon at the rate of 6 cent per annum for said time, in checks drawn against such special deposit, or at the option of the holder in cash. If any State bank of the business and property of which the Commissioner

shall have taken charge shall thereafter resume business by order of the State Banking Board, within less than sixty days after the date upon which the Commissioner so took charge, in that event any certificates that may have been issued by the Commissioner in payment of its guaranteed depositors shall be redeemed upon the reopening of said State bank by it in cash upon their presentation. The Commissioner, within ninety days after he shall have taken possession of such bank, shall make a full report to the State Banking Board, showing the amounts collected and disbursed by him in the payment of guaranteed depositors, accompanied by proper vouchers for all disbursements, and showing all amounts remaining in his hands and on what account the same is held, which report shall be carefully audited by the State Banking Board, in connection with the vouchers submitted therewith. A copy of such report shall be recorded in the office of the Commissioner, and a certified copy shall be recorded in the office of the county clerk of the county where such State bank was located and transacted business, and a printed copy shall be mailed by the Commissioner to each State bank in the State.

Sec. 19. If the Commissioner, or his special agent, shall disallow or reject any claim presented by a guaranteed depositor, he shall nevertheless include the amount of such disallowed or rejected claim in the amount for the payment of which provision is to be made out of the State bank guaranty fund, and like provisions shall be made for such claim as for those duly allowed and paid; but the Commissioner shall retain in his hands such an amount pending the final settlement and an adjudication of such rejected or disputed claim, and shall apply the same in payment thereof, if it shall be found that such State bank was legally liable therefor, and shall equitably distribute the same to the various banks in which the State bank guaranty fund is deposited if it shall be finally determined that such State bank is not so liable.

Sec. 20. Any deposit made by the Commissioner, as provided by this act, in any State bank, for the purpose of providing for the payment of guaranteed depositors, whether of special checks or checks drawn upon all banks in which the State bank guaranty fund may be deposited or otherwise, and all deposits of any portion of the State bank guaranty fund originally credited thereto in

any State bank, as provided by this act, shall be preferred before all other deposits in case of the insolvency or suspension of the depository.

Sec. 21. If from the sworn statement of the average daily deposits of any bank for the year ending on the first day of November, 1909, or of any subsequent year, filed with the Commissioner as provided for in Section 7 of this act, it shall appear that such average daily deposits for such year amounted to more than five times the capital stock and surplus of such bank on November 1 of such year, if the capital stock of such bank is not more than \$10,000, or more than six times such capital stock and surplus if the capital is more than \$10,000 and less than \$20,000, or seven times such capital stock and surplus if the capital stock is \$20,000 or more and less than \$40,000, or eight times such capital stock and surplus if the capital stock is \$40,000 or more and less than \$75,000, or nine times such capital stock and surplus if the capital stock is \$75,000 or more and less than \$100,000, or ten times such capital stock and surplus if such capital stock is \$100,000 or more, then in any such case it shall be the duty of the State Banking Board to require that such State bank shall within sixty days thereafter increase its capital by 25 per cent thereof, and it shall be the duty of the Commissioner to immediately furnish such State bank with a certified copy of the order making such requirement; and upon the receipt of such requisition the directors of such State bank shall, within the time required, cause such increase to be made in its capital stock, and if the same is not done within such time, it shall be unlawful for such bank to thereafter receive any deposits at any time when its total demand and time deposits shall in the aggregate amount to more than the limitation herein placed upon deposits.

Sec. 22. Section 39 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Sec. 39. It shall be the duty of the Commissioner of Insurance and Banking at least once in each quarter of each calendar year to cause each banking corporation, subject by law to examination, to be thoroughly and fully examined, and any such corporation may be examined whenever such Commissioner may deem it necessary or expedient. Such Commissioner and all

State Bank Examiners shall have the power to administer oaths to any person whose testimony may be desired for the purpose of any such examinations. The expenses of every general and special examination shall be paid by the corporation examined in such amount as the Commissioner of Insurance and Banking shall certify to be just and reasonable. Provided such expenses shall be paid in proportion to the amount of capital stock of the various corporations as follows: Those with a capital stock of \$10,000 shall not pay more than \$12.50; those with a capital stock of more than \$10,000 and not exceeding \$25,000 shall not pay more than \$15; those with a capital stock of more than \$25,000 and not exceeding \$50,000 shall not pay more than \$20; those with a capital stock of more than \$50,000 and not exceeding \$100,000 shall not pay more than \$30; those with a capital stock of more than \$100,000 and not exceeding \$250,000 shall not pay more than \$37.50; those with a capital stock of more than \$250,000 and not exceeding \$500,000 shall not pay more than \$75; those with a capital stock of more than \$500,000 and not exceeding \$1,000,000 shall not pay more than \$125; those with a capital stock of more than \$1,000,000 and not exceeding \$2,000,000 shall not pay more than \$150; those with a capital stock of more than \$2,000,000 and not exceeding \$4,000,000 shall not pay more than \$200; and those with a capital stock exceeding \$4,000,000 shall not pay more than \$300.

"The permanent surplus of any such corporation shall be reckoned in ascertaining the fees for examination as a part of its capital stock. All sums collected as examination fees shall be paid by the Commissioner of Insurance and Banking directly into the State Treasury, to the credit of the general revenue fund. Payments for salaries and expenses of examinations and for expenses of the Commissioner of Insurance and Banking in enforcing this act shall be made upon the certificate of the Commissioner of Insurance and Banking by warrant on the Comptroller upon the State Treasurer.

"The result of each examination shall be certified by the examiner upon the record of the corporation examined, and the report of all examinations made during each year shall be embodied in an annual report pertaining to banking matters, to be made by the Commissioner of Insurance and Banking to

the Governor. The result of all such examinations shall be reported semi-annually to the Comptroller."

Sec. 23. Section 44 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Section 44. The Commissioner of Insurance and Banking shall from time to time appoint such number of State bank examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners, each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly, under oath, by each examiner and shall be approved by the Commissioner."

Sec. 24. No State bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or, in default thereof, such State bank shall be considered to have its capital stock impaired to the extent of the par value of such shares.

Sec. 25. No State bank shall, at any time, be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time, actually paid in and remaining undiminished by losses, or otherwise, except on account of demands of the nature following:

(1) Money deposited with, or collected by such State bank.

(2) Bills of exchange or drafts drawn against money actually on deposit to the credit of such State bank, or due thereto.

(3) Liabilities to the stockholders of such State bank on account of the stock held by them and for dividends and undivided profits.

Sec. 26. It shall be unlawful for any such bank to hypothecate or pledge as collateral security for money borrowed upon bills payable or certificates

of deposit, or otherwise, its securities to an amount more than 50 per cent greater than the amount borrowed thereon, or for any State bank to issue or execute any bills or other evidence of indebtedness, secured or to be secured, by the pledge or hypothecation of any of its securities, which shall not contain a provision that in the event such State bank shall, for any cause, have its property and business taken possession of by the Commissioner, at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after the date of such taking possession shall be allowed, in which such bank or Commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness.

Sec. 27. After this act shall take effect, it shall be unlawful for any State bank to make a loan, secured by the stock of any other banking corporation, if by the making of such loan the total of stock of such other banking corporation held by it as collateral, will exceed in the aggregate 10 per cent of the capital stock of such other banking corporation, unless the taking of a greater percentage of such capital stock as collateral shall be necessary to prevent loss upon a debt previously contracted, in good faith, and any such excess so taken as collateral, or owned by such State bank, shall not be held as collateral or owned by it for a longer period than six months.

Sec. 28. After this act shall take effect, no State bank shall make a loan upon real estate security, directly or indirectly, which shall not be due and payable within three years from the date upon which such loan is made, or a loan upon other than real estate security which shall not be due and payable not more than one year from the date upon which such loan is made.

Sec. 29. Each director of a State bank, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation, and will not knowingly violate, or wilfully permit to be violated, any of the provisions of the law applicable to such State bank; and he is the owner in good faith, and in his own right, of the number of shares of stock required by law, subscribed by him or standing in his name on the

books of the corporation, and that the same is not hypothecated, or in any way pledged as security for any loan or debt, and, in case of re-election or re-appointment, that such stock was not hypothecated, or in any way pledged as security for any loan or debt during his previous term. Such oath shall be subscribed by the director making it, and certified by the officer before whom it is taken, and shall be immediately transmitted to the Commissioner, and filed and preserved in his office.

Sec. 30. The directors of every State bank shall hold a regular meeting once in each month, at which it shall be the duty of the cashier, or some other officer designated for that purpose by resolution of the board of directors, duly recorded in its minutes, to prepare and submit to each director a written statement of all purchases and sales of securities, and of every discount and loan, exclusive of discounts and loans of less amounts than \$1000, if the capital stock of such State bank be \$100,000 or more, and exclusive of discounts and loans of less than one per cent of its capital stock, if it be less than \$100,000, made since the last regular meeting of the board, describing the collateral to the loans so made, as of the date of the meeting at which such statement is submitted. Such statement shall also contain a list giving the aggregate of loans and discounts to each individual, firm, corporation, or association, whose liability to such bank has been increased since the last regular meeting of the board, \$1000 or more, if such State bank has a capital of \$100,000 or more, and one per cent of its capital stock, if the same be less than \$100,000, together with a description of the collateral to such loans held by such corporation at the date of the meeting at which such statement is submitted. A copy of such statement shall be immediately mailed to each director not present at such meeting, whether or not a quorum of such directors shall attend, and a copy thereof, together with a list of the directors present at such meeting and of those to whom such statements were mailed, verified by the affidavit of the officer or officers charged with the duty of preparing such statement, shall be filed with the records of such State bank, within one day after such meeting, and be presumptive evidence of the matters therein stated.

Sec. 31. It shall be lawful for any

State bank within the provisions of this act to use the following on its stationery and in its advertisements, "Non-interest bearing and unsecured deposits guaranteed by the State bank guaranty fund of the State of Texas."

Sec. 31a. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as hereafter to read as follows:

"Sec. 50. No bank and no bank or trust company or any member of either, shall, during the time it shall continue in banking or banking and trust operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by a bank or bank and trust company while it continues its banking or banking and trust operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any association, on which interest is past due and unpaid for a period of six months, unless the same are well secured and in process of collection, shall be considered bad debts within the meaning of this section.

"The board of directors of any bank or trust company organized under this act may declare a semi-annual or quarterly dividend if such dividend has been earned; provided the corporation be fully solvent, without such earnings proposed to be divided. But they shall not declare a dividend at any time when the capital of such corporation shall have become impaired to such an extent that it is not worth in good resources the full amount paid in after the payment of all liabilities, and any officer or director of such corporation who shall assent to declaring and paying dividends where the capital stock is so impaired, shall be personally liable to the creditors of the corporation to the amount of his proportion of the proposed dividend, if any loss occur by reason of the payment of such dividend."

Sec. 22. Section 53 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas are hereby amended so as hereafter to read as follows:

"Sec. 53. No incorporated bank, nor trust company, organized under this act

shall loan its money to any individual, corporation, or company directly or indirectly, or permit any individual, corporation, or company to become at any time indebted or liable to it in a sum exceeding 25 per cent of its capital stock, or permit a line of loans or credits to any greater amount to any individual, corporation, or company, a permanent surplus, the setting apart of which shall have been certified to the Commissioner of Insurance and Banking, may be taken and considered as a part of the capital stock for the purpose of this section, provided such surplus is in amount not less than 50 per cent of the capital stock of said bank; provided that the provisions of this section shall not be construed as in anywise to interfere with the rules and regulations of any clearing association in this State in reference to the daily balances between banks, and that this section shall not apply to balances due from correspondents subject to draft, and that the discounting of the following classes of paper shall not be included in the limitations placed upon loans and credits by this section, viz.:

"1. The discount of bills of exchange drawn in good faith against actual existing values.

"2. The discount of paper upon the collateral security of warehouse receipts, or other written instruments conveying a lien with the right to take immediate possession covering agricultural and manufactured products in store in elevators and warehouses, or conveniently deposited elsewhere under the following conditions:

"(a) That the actual market value of the property held in store and covered by such receipts, if other than cotton or cotton seed products, shall at all times exceed, by at least 25 per cent, the amount loaned upon the same, and if it be cotton or cotton seed products, it shall at least exceed 10 per centum of the amount loaned upon the same.

"(b) That the full amount of the loans shall at all times be covered by policies of fire insurance issued by companies admitted to do business in this State to the extent of their ability to cover such loans, and then by companies having sufficient paid up capital to be so admitted, and all such policies shall be made payable in case of loss to the bank or holder of such warehouse receipts, or other instruments."

Sec. 33. The Commissioner of Insur-

ance and Banking shall have the power from time to time to make such changes in the form of the statements required of each banking corporation as he may deem advisable.

Sec. 34. It shall be unlawful for any State bank or any of its officers, directors, or stockholders, or any one for such bank or for any of its officers, directors, or stockholders, to write, print, publish or advertise in any manner or by any means, or to permit any one for them, or for said bank, to so write, print, publish or advertise that the non-interest bearing and unsecured deposits of such bank are guaranteed other than by the State bank guaranty fund of the State of Texas.

Any one violating the provisions of this section of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, or by confinement in the county jail for not less than three (3) months, nor more than twelve (12) months, or by both such fine and imprisonment.

Sec. 35. Every president, director, cashier, teller, clerk or agent of any State bank who embezzles, abstracts or wilfully misapplies any of the moneys, funds or credits of such State bank, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree; or who makes any false entry in any book, report or statement of such State bank with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual person, firm, or association, or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of a felony and shall, upon conviction, be imprisoned in the State penitentiary for a term of not less than five years, nor more than ten years.

Sec. 36. Any director of a State bank who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a ma-

jority of the directors of the bank first having been obtained and made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of any such State bank who shall knowingly loan or assent to the loaning of any of its funds to any officer, or any of its funds to any director in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years.

Sec. 37. Any officer, director or other agent or employe of any State bank, who knowingly and wilfully does any act as such officer, director, agent, or employe, which is expressly forbidden by law, or wilfully or knowingly omits to perform any duty imposed upon him by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than one thousand (\$1000) dollars, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment.

Sec. 38. Any officer or director of a State bank, who concurs in any vote or act of the directors of such State bank, or any of them, by which it is intended to make a loan or discount to any director of such State bank, or upon paper, upon which any such director is liable, or responsible to any amount exceeding the amount allowed by law; or any director, officer or employe of any State bank who makes or maintains or attempts to make or maintain a deposit of such State bank's funds with any other bank or banking corporation on condition, or with the understanding, express or implied, with the bank or banking corporation receiving such deposit,

makes a loan or advance, directly or indirectly, to any director, officer and employe of the corporation so making, or attempting to make or maintain deposit, or any officer, or employe of any State bank who intentionally conceals from its directors any discounts or loans made by it between the regular meetings of its board of directors, or the purchase of any securities or the sale of any of its securities during the same period, or knowingly fails to report to its board of directors, when required to do so by law, all discounts or loans made by it, and all securities purchased or sold by it between the regular meetings of its board of directors, or any officer, director, or employe of any State bank who shall wilfully and knowingly make any loan or discount for such State bank, at any time when the reserve of such bank required by law to be maintained by it, shall be less than 25 per cent of its demand deposits, and until it shall, by collections, restore its lawful reserve, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred, nor more than one thousand dollars, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment.

Sec. 39. Any State bank examiner, or special agent, who shall knowingly and intentionally fail or refuse to notify the Commissioner of Insurance and Banking in writing, of any violation of the criminal provision of this act or of any provision of the Penal Code of this State, within ten days after the same shall come to his notice or attention, unless such notice shall, within his knowledge, have been previously given by some other bank examiner or special agent, or any Commissioner of Insurance and Banking who shall knowingly and intentionally fail or refuse to notify in writing the county or district attorney charged by law with the duty of the prosecution thereof, of any such violation within ten days after the same shall come to his knowledge or attention, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred, nor more than five hundred dollars, or by imprisonment in the county jail not less than three nor more than twelve months, or by both such fine and imprisonment, and upon conviction shall be removed from office.

* Sec. 40. Any officer, clerk or agent of any State bank, who shall wilfully certify to any check or checks, before the amount thereof shall have been regularly entered to the credit of the drawer, upon the books of such State bank, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment in the State penitentiary for not more than one year, or by both such fine and imprisonment.

Sec. 41. Any State bank, or banking and trust company, incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the word "savings" as a part of its corporate name, or in or as a part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be so filed by banks or banking and trust companies maintaining savings departments and using the word "savings" as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and to be filed by banks desiring to establish such savings departments after this act shall take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which, having such departments or so using the word "savings" at the time this act shall take effect, shall continue to maintain such departments or to use the word "savings" more than ninety days thereafter shall keep the business of such department entirely separate and distinct from the general business of the bank or banking and trust company, and shall keep all moneys received as such savings deposits and the funds and securi-

ties in which the same may be invested, at all times segregated from and unmingled with the other money and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to wit:

1. In bonds or interest-bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may be hereafter organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

3. In bonds of the State of Texas or of any State in the Union that has not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

5. In bonds and notes secured by first mortgage, deed of trust, or other valid first lien on unincumbered improved real estate to run for a term not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this State, certifying said bonds or notes to be a first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above prescribed and from time to time to sell and reinvest the proceeds of such investment, but for the purpose of meeting current demands in excess of the receipts, any of the securities may be sold, or taken up and replaced in cash by the bank or banking

and trust company out of its general fund, and there shall be kept on hand at all times not less than 15 per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposit, as provided for in this section, at the option of the bank or banking and trust company. In case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors and the remainder, after they have been paid in full, shall be applied in payment of claims of general creditors. It shall be the duty of the president or vice-president and the cashier of each State bank or banking and trust company maintaining a savings department under the provisions of this section to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month, a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits when the last preceding monthly statement, as herein provided for, is not conspicuously posted in the office or from where its business is transacted.

The directors of any bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on its saving deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable: provided, that in case the earnings of such savings department are insufficient to pay any interest due upon any savings deposits such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general funds of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due and accrued on savings deposits and the legitimate expenses of such departments

have been provided for. In computing the aggregate amount of the average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided in Section 17 of this act, the deposits of its savings department, as provided in this section, shall not be included. All such savings departments shall be governed by the terms and provisions of this act so far as same are applicable and are not in conflict with the special provisions of this section, and shall also be governed by such provisions of the laws of this State applicable to savings banks as are not in conflict with any provision of this act, or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors at any regular meeting or by the stockholders at any annual meeting; provided, that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any officer or director of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use or continue to use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any securities or other investment, or willfully and knowingly do or perform any act or transaction, by or as a result of which at any time, the assets of such savings department, including cash, shall not at least equal in amount the deposits in

such savings department, at least 15 per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

Sec. 41a. Provided, that any bank or trust company, created by virtue of a special act of the Legislature of the State of Texas, that is now and has been for more than three years engaged in the general banking business in Texas and which at the time has only one place of business, and which has heretofore or may hereafter, prior to the taking effect of this law, accepted one or more of the provisions of the acts of the Twenty-ninth Legislature, known as the State Banking Law, and thereby submitted itself to the jurisdiction of the State banking departments, may with the approval of the Commissioner of Banking of the State of Texas avail itself of the provisions of this act.

Sec. 41b. Neither the Commissioner of Insurance and Banking or any regularly appointed clerks or employees of the Department of Insurance and Banking, or any State bank examiner, shall, at any time during his incumbency be financially interested, directly or indirectly, in any State bank or banking and trust company, subject to the supervision of the Department of Insurance and Banking, or knowingly be or become indebted either directly or indirectly to any such State bank or banking and trust company.

Any officer or employe named in this section violating its provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500, and the venue in such case shall be in the county wherein such State bank or banking and trust company is located. The violation of the provisions of this section shall work a forfeiture of the office or position held by the person guilty of such violation.

Sec. 42. Any national bank in this State, approved by the Commissioner may voluntarily avail its depositors of the protection of the State bank guaranty fund, by application to the State Banking Board, in writing, and the said application may be sustained upon terms and conditions in harmony with the purpose of this act, to be agreed

upon by the State Banking Board, the Commissioner and the Comptroller of the Currency of the United States; provided, that in the event national banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the deposits in national banks in this State should be guaranteed by virtue of Federal laws, that the national banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks; however, should the courts declare this section of this bill unconstitutional or unauthorized by law, or in conflict with any other section or provisions of this act, or with any existing banking laws of this State, then such decision shall affect only this section of the act.

Sec. 43. The fact that if this act shall become a law, as much time as possible prior to the first day of January, 1910, will be necessary for the thorough and strict examination of all State banks, and other necessary preparation before that time, and the fact that there are now practically no criminal penalties provided for violating the provisions of the State banking laws, constitute an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Amend committee amendment of the caption as follows (describing same as of the printed House bill):

1. Page 1, line 15, by inserting after the word "all" the word "such," and by inserting after the word "institutions" the words "whose deposits are guaranteed," and by inserting after the word "institutions" in line 27, page 1, the words "whose deposits are guaranteed."

2. Amend amendment, page 1, line 19, by inserting after the word "institutions" the following: "Providing that all corporations organized under the laws of this State prior to the date at which this act shall take effect to do a banking business or to receive funds on deposit, which do not accept the provisions of this act with reference to securing their depositors through the State bank guaranty fund shall file annually with the Superintendent of Banking, of this State, a bond or policy of insurance or other indemnity, providing for the ap-

proval of such bonds to secure the depositors in such bank or other institution at such time and for the succeeding year, and fixing the terms of such bond or other guaranty, providing for the issuance of certificates by the Superintendent of Banking showing compliance with the provisions of this act, providing for the enforcement of the terms and conditions of such bond, policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do the banking business, or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any incorporation not incorporated under the laws of Texas and transacting business in this State under a permit which shall violate the provisions of this act, shall not receive another permit from the State, and providing that the maker or signers of such bonds, policy of insurance or other guaranty of indemnity executed under the provisions of this act shall be subrogated to the rights of the depositors for whose benefit payments shall be made thereon upon the making of such payments, prescribing and fixing the lien in favor of depositors against exempt property of the maker and sureties on such bond."

1. Amend committee amendments by striking out Section 1 thereof, and inserting in lieu thereof the following:

"Section 1. On and after the first day of January, 1910, all banks of deposit or discount, or of both deposit and discount, and banking and trust companies, in this State incorporated after this act shall take effect under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas known as the State banking law, and all banking corporations which may take advantage of the provisions of this act for the guaranty of their deposits by the State bank guaranty fund, as hereinafter provided, shall be liable pro rata in the manner and proportion and to the extent hereinafter provided for the payment of all the liabilities of each such banking or other corporation to guaranteed depositors as hereinafter defined. All of the classes of banking corporations above referred to shall, for the purposes of this act, be classed and known and hereafter referred to as 'State Banks,' and all of such corporations whose depositors are

or may be guaranteed and paid out of the State bank guaranty fund in accordance with the provisions of this act, shall be known and hereafter referred to as 'State banks whose deposits are guaranteed.'"

2. Amend the committee amendment to Senate bill No. 4, as follows (describing the committee amendment as House bill No. 1):

Insert on page 3, line 5, after the word "banks" the words "whose deposits are guaranteed."

3. Amend page 4, line 31, by adding after the word "business," the following: "Such certificates of authority when issued to a State bank whose deposits are not guaranteed shall contain the following statement on the face thereof in bold type: 'None of the deposits of this bank are guaranteed or to be paid out of the State bank guaranty fund.'"

4. Amend page 8, line 14, by adding at the end of said line 14, the following: "Whose deposits are guaranteed."

5. Amend page 8, line 26, after the word "amount" by inserting as follows: "Provided that such original assessment shall in no event exceed 2 per cent of such average daily deposits and 6 per cent of such capital, surplus and undivided profit."

6. Amend by inserting the words "whose deposits are guaranteed" in the following places: Page 8, line 37, after the word "banks"; page 8, line 39, after the word "banks"; page 8, line 39, after the word "bank"; page 10, line 29, after the word "bank"; page 18, line 34, after the word "bank"; page 20, line 25, after the word "bank"; page 21, line 3, after the word "bank"; page 21, line 6, after the word "banks"; page 22, line 32, after the word "bank"; page 23, line 12, after the word "bank"; page 23, line 18, after the word "bank"; page 23, line 27, after the word "bank."

7. Amend page 14, line 21, by inserting after the word "shall" the words "in the case of a State bank whose deposits are guaranteed."

8. Amend page 20, line 27, by inserting after the word "any" the word "such."

9. Amend page 23, line 18, by striking out the word "some" and inserting in lieu thereof the word "such."

10. Amend page 29, line 12, by inserting after the word "bank" the following: "Whose deposits are guaranteed by the State bank guaranty fund."

11. Amend by numbering Section 41a as Section 42, Section 41b as Section 43.

12. Amend by inserting in Section 44 as follows:

Sec. 44. Any State bank incorporated prior to the taking effect of this act may avail its depositors of the protection of the State bank guaranty fund as provided in this act in the following manner: The board of directors of any such State bank may and are required, upon the written request of the owners of a major part of the capital stock at any regular meeting to call a meeting of all the stockholders to be held in the office of such State bank, of which each stockholder shall be given not less than ten days' written notice by registered mail for the purpose of determining whether or not such State bank shall avail its depositors of the protection of the State bank guaranty fund, and if at such stockholders' meeting the holders of a majority of the stock, or their duly authorized proxies, shall vote to so avail their depositors of the protection of the State bank guaranty fund, such vote shall be entered upon the minutes of the corporation and a duly certified copy thereof, attested by the president and cashier, shall be immediately forwarded to the Commissioner of Insurance and Banking, who shall file the same in his office and shall record the same in a book kept for that purpose, and thereafter such State bank shall be in all respects subject to and governed by all the provisions of this act upon State banks whose deposits are guaranteed.

Such State bank shall pay into the State bank guaranty fund in the same manner and the same percentage of its average annual deposits it shall have been in business for a period of one year prior to November 1, 1909, or prior to November 1 of any year thereafter preceding the date upon which it shall so avail its depositors of the protection of the State bank guaranty fund or the same percentage of its capital, surplus and undivided profits, if it shall not have been in business for such period of one year, as is required by this act of State banks incorporated after this act shall take effect.

13. Amend by inserting Sections 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55, as follows:

Sec. 45. It shall be the duty of each banking corporation, or other corporation receiving funds on deposit, created under the laws of the State of Texas and transacting business in the State, other than State banks whose deposits are guaranteed, to file annually with

the Superintendent of Banking, a bond, policy of insurance, or other guaranty of indemnity in an amount equal to twice the amount of its capital stock, which said bond, policy of insurance or other guaranty of indemnity shall be for and inure to the benefit of all depositors, and shall be cumulative of any and all other security or liability whatsoever provided by law for the security of depositors. Such instruments and the security thereby provided, shall be approved by the county judge of the county in which such business is domiciled, and by the Superintendent of Banking, and shall take effect and be in force from and after the time it is approved and filed in the office of the Superintendent of Banking. Every such corporation shall comply with the provisions of this act within thirty days after the time said act shall take effect, and every such corporation that may hereafter be incorporated shall comply with the provisions of this section, before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act, shall secure depositors at the time said bond is filed and approved and all deposits made during the period of twelve months thereafter.

Sec. 46. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of this act, and to file with the Superintendent of Banking a bond, or policy of insurance or other guaranty of indemnity. And such corporation shall, in such event, file a bond or policy of insurance or guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas. And such person or firm transacting the business of a private bank shall, in such event, file a bond or policy of insurance or other guaranty of indemnity in an amount equal to the average of the daily deposits with such person or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this act, unless such person or firm shall have been engaged for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Superintendent of Banking such reports and statements concerning its deposits and concerning the solvency of such bond,

or policy of insurance, or guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided further, that such bond, policy of insurance or other guaranty of indemnity shall be approved by the county judge and the Superintendent of Banking, and filed with said Superintendent of Banking, as provided for in Section 1 hereof.

Sec. 47. In the event of default by any person, firm or corporation, transacting such business of receiving deposits which shall make, execute or file the bond, or policy of insurance, or other guaranty of indemnity provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Superintendent of Banking, when such default shall be made known to him, to report the same to the Attorney General of the State, and to give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond, or policy of insurance, or other guaranty of indemnity, and upon mailing of such notice, the full amount of the same shall thereby become due and payable. In case the bond herein above provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Superintendent of Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising, either from voluntary payment or otherwise, shall be payable to the Superintendent of Banking and shall be by him properly paid over pro rata to unpaid depositors, upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed and before payment thereof shall be approved by him.

In the event any maker or signer as surety of such bond or policy of insurance or other guaranty of indemnity shall be a corporation incorporated under the laws of Texas, and it shall refuse or fail to pay upon demand therefor, as herein provided, the full amount due by it upon such bond or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General, upon receiving notice thereof from the Superintendent of Banking, to bring suit in the district court of Travis county, Texas, to forfeit such charter, and upon hearing thereof, decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance or other guaranty of indemnity shall be a corporation incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over on demand therefor by the Superintendent of Banking, as herein provided, the full amount of its liability upon such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Superintendent of Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Superintendent of Banking and Commissioner of Insurance, thereafter to refuse to issue any permit to said corporation to transact business in the State, until it shall show to the satisfaction of such officers that it has fully discharged its liability upon such bond or policy of insurance or other guaranty of indemnity, upon which default was thus made.

In the event such person, firm or corporation in default in the payment of a default lawfully demanded shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond or policy of insurance or other guaranty of indemnity, is not discharged, it shall be the duty of the Attorney General, or any district or county attorneys acting at his instance, to bring suit upon such bond or policy of insurance or other guaranty of indemnity, in the name of the Governor, and for the benefit of all persons who may be beneficiaries thereof, by reason of its terms and conditions. Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy

12. Amend by inserting in Section 44 as follows:

Sec. 44. Any State bank incorporated prior to the taking effect of this act may avail its depositors of the protection of the State bank guaranty fund as provided in this act in the following manner: The board of directors of any such State bank may and are required, upon the written request of the owners of a major part of the capital stock at any regular meeting to call a meeting of all the stockholders to be held in the office of such State bank, of which each stockholder shall be given not less than ten days' written notice by registered mail for the purpose of determining whether or not such State bank shall avail its depositors of the protection of the State bank guaranty fund, and if at such stockholders' meeting the holders of a majority of the stock, or their duly authorized proxies, shall vote to so avail their depositors of the protection of the State bank guaranty fund, such vote shall be entered upon the minutes of the corporation and a duly certified copy thereof, attested by the president and cashier, shall be immediately forwarded to the Commissioner of Insurance and Banking, who shall file the same in his office and shall record the same in a book kept for that purpose, and thereafter such State bank shall be in all respects subject to and governed by all the provisions of this act upon State banks whose deposits are guaranteed.

Such State bank shall pay into the State bank guaranty fund in the same manner and the same percentage of its average annual deposits it shall have been in business for a period of one year prior to November 1, 1909, or prior to November 1 of any year thereafter preceding the date upon which it shall so avail its depositors of the protection of the State bank guaranty fund or the same percentage of its capital, surplus and undivided profits, if it shall not have been in business for such period of one year, as is required by this act of State banks incorporated after this act shall take effect.

13. Amend by inserting Sections 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55, as follows:

Sec. 45. It shall be the duty of each banking corporation, or other corporation receiving funds on deposit, created under the laws of the State of Texas and transacting business in the State, other than State banks whose deposits are guaranteed, to file annually with

the Superintendent of Banking, a bond, policy of insurance, or other guaranty of indemnity in an amount equal to twice the amount of its capital stock, which said bond, policy of insurance or other guaranty of indemnity shall be for and inure to the benefit of all depositors, and shall be cumulative of any and all other security or liability whatsoever provided by law for the security of depositors. Such instruments and the security thereby provided, shall be approved by the county judge of the county in which such business is domiciled, and by the Superintendent of Banking, and shall take effect and be in force from and after the time it is approved and filed in the office of the Superintendent of Banking. Every such corporation shall comply with the provisions of this act within thirty days after the time said act shall take effect, and every such corporation that may hereafter be incorporated shall comply with the provisions of this section, before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act, shall secure depositors at the time said bond is filed and approved and all deposits made during the period of twelve months thereafter.

Sec. 46. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of this act, and to file with the Superintendent of Banking a bond, or policy of insurance or other guaranty of indemnity. And such corporation shall, in such event, file a bond or policy of insurance or guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas. And such person or firm transacting the business of a private bank shall, in such event, file a bond or policy of insurance or other guaranty of indemnity in an amount equal to the average of the daily deposits with such person or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this act, unless such person or firm shall have been engaged for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Superintendent of Banking such reports and statements concerning its deposits and concerning the solvency of such bond,

or policy of insurance, or guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided further, that such bond, policy of insurance or other guaranty of indemnity shall be approved by the county judge and the Superintendent of Banking, and filed with said Superintendent of Banking, as provided for in Section 1 hereof.

Sec. 47. In the event of default by any person, firm or corporation, transacting such business of receiving deposits which shall make, execute or file the bond, or policy of insurance, or other guaranty of indemnity provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Superintendent of Banking, when such default shall be made known to him, to report the same to the Attorney General of the State, and to give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond, or policy of insurance, or other guaranty of indemnity, and upon mailing of such notice, the full amount of the same shall thereby become due and payable. In case the bond herein above provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Superintendent of Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising, either from voluntary payment or otherwise, shall be payable to the Superintendent of Banking and shall be by him properly paid over pro rata to unpaid depositors, upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed and before payment thereof shall be approved by him.

In the event any maker or signer as surety of such bond or policy of insurance or other guaranty of indemnity shall be a corporation incorporated under the laws of Texas, and it shall refuse or fail to pay upon demand therefor, as herein provided, the full amount due by it upon such bond or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General, upon receiving notice thereof from the Superintendent of Banking, to bring suit in the district court of Travis county, Texas, to forfeit such charter, and upon hearing thereof, decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance or other guaranty of indemnity shall be a corporation incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over on demand therefor by the Superintendent of Banking, as herein provided, the full amount of its liability upon such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Superintendent of Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Superintendent of Banking and Commissioner of Insurance, thereafter to refuse to issue any permit to said corporation to transact business in the State, until it shall show to the satisfaction of such officers that it has fully discharged its liability upon such bond or policy of insurance or other guaranty of indemnity, upon which default was thus made.

In the event such person, firm or corporation in default in the payment of a default lawfully demanded shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond or policy of insurance or other guaranty of indemnity, is not discharged, it shall be the duty of the Attorney General, or any district or county attorneys acting at his instance, to bring suit upon such bond or policy of insurance or other guaranty of indemnity, in the name of the Governor, and for the benefit of all persons who may be beneficiaries thereof, by reason of its terms and conditions. Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy

of insurance or other guaranty of indemnity transacted such business at the time of the filing thereof, or in any county immediately adjacent thereto, at the option of the Attorney General. Any action upon such bond or policy of insurance or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

In the event any person, firm, corporation or association of persons executing or signing the bond or guaranty herein provided for, shall transfer such portion of his or its property within four months prior to the service of the notice hereinabove provided for in case of default in the payment of the deposit lawfully demanded, as that his remaining property, over and above all lawful exemptions, would be insufficient to meet the requirements of the obligation in said bond or guaranty incurred and assumed, then, in such event such transfer of said property shall be void, as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preference lien upon the property so undertaken to be transferred in favor of the State Superintendent of Banking as trustee for and on behalf of the lawful depositors of any such person, firm or corporation so making default in the payment of its depositor, or depositors, to the extent of any portion of any unpaid liability due and owing upon such bond or guaranty; provided, that the satisfaction of such bond or guaranty as provided for in this act, and the terms of such bond, shall satisfy and discharge such preference lien hereinabove provided for.

Sec. 48. Whenever any maker or signer of any bond or policy of insurance or other guaranty of indemnity other than the principal therein shall be required under the provisions of this act to pay over for the benefit of the depositors with any person, firm or corporation, any sum of money, such maker or signer making or participating in such payment shall thereby become subrogated to the rights of a depositor, to the extent of the payment or payments so made, and entitled to assert such rights in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such bond, or policy of insurance or other guaranty of indemnity.

Sec. 49. The Superintendent of Banking shall charge a fee of not to exceed

\$20 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond or policy of insurance or other guaranty of indemnity provided for in Section 1 and the examination of the solvency thereof and for the filing of the same, and shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any other person, firm or corporation permitted to file such bond or policy of insurance or other guaranty of indemnity under the provisions of this act.

Sec. 50. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

The State of Texas,

County of.....

Know all men by these presents:

That we,

....., as principal,

and

..... as sureties,

are held and firmly bound unto the Governor of the State of Texas, and his successors in office in trust for the benefit of depositors in the sum of

..... Dollars, payable as provided by the laws of Texas at the time of the execution hereof, conditioned that the above bound

..... will pay upon demand,

or in accordance with its certificates of deposit, to the persons entitled thereto to all deposits in said bank at the date of said bond and all other deposits made therein during the period of one year from the date thereof. Upon payment of any sum or sums made obligatory by reason of the terms hereof, any surety hereon making or participating in such payment shall thereby be subrogated to the rights of a depositor and entitled to assert such rights in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by the terms hereof.

Sec. 51. The security for the benefit of depositors provided for by this act may be divided into two or more bonds, policies of insurance, or other guaranties of indemnity, or any part thereof may be given in either of such forms of guaranty of indemnity, provided that the aggregate thereof shall be equal to the total amount of the security re-

quired in accordance with the provisions of this act.

Sec. 52. Whenever the deposits of any corporation incorporated under the laws of Texas which shall have filed a bond or policy of insurance or other guaranty of indemnity with the Superintendent of Banking in accordance with the provisions of this act shall exceed five times the amount of its capital, it shall be its duty to furnish, in addition to the security theretofore so given, additional security for the protection of its depositors, which additional security shall consist of one or more bonds, or policies of insurance, or other guaranties of indemnity, as herein provided, in a sum or sums which shall, in the aggregate, be equal to the total amount of such excess of deposits above five times the amount of the capital of such corporation. In the event any such corporation shall refuse or fail to comply with the provisions of this section, after demand by the Superintendent of Banking, it shall be his duty to report the facts to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 53. If any corporation organized under the laws of this State to do a banking business or to receive funds on deposit other than State banks whose deposits are guaranteed, shall fail or refuse to file the bond, or policy of insurance, or other guaranty of indemnity, provided for in Section 1 hereof in accordance therewith, it shall be the duty of the Superintendent of Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 54. If at any time it shall appear to the Superintendent of Banking that any bond or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, he shall have the authority, and it shall be his duty, to require such corporation to file new or additional security in an amount sufficient to protect

its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Superintendent of Banking and the Attorney General shall in such event have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws, enacted at the First Called Session of the Twenty-ninth Legislature.

Sec. 55. The Superintendent of Banking shall issue to every person, firm or corporation acting thereunder and entitled thereto, a proper certificate, showing compliance with the provisions of this act and the amount and nature of the security furnished. Such person, firm or corporation shall post such certificate conspicuously in its place of business, and may publish or advertise said certificate, or the facts recited therein; provided, any person, firm or corporation which shall falsely publish, advertise, or represent, or cause to be falsely published, advertised or represented any statement of compliance with the provisions of this act, or any false statement as to the terms of such certificate, or the facts recited in said certificate, shall be deemed guilty of a misdemeanor and shall be punished for each offense by fine not to exceed one thousand dollars.

14. Amend by changing the number of the emergency clause from 43 to 56.

FREE CONFERENCE COMMITTEE— APPOINTMENT.

The Chair here announced the appointment of the following Free Conference Committee on Senate bill No. 4: Senators Senter, Hume, Hudspeth, Sturgeon and Watson.

BILLS SIGNED.

The Chair (President Pro Tem. Brachfield) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 23, "An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric lights and water to the State Capitol,

the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency."

Senate bill No. 87, "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264, passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 84, "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the corporation of towns and villages for free school purposes only, and declaring an emergency."

Senate bill No. 74, "An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation, and declaring an emergency."

The following bills were signed by Lieutenant Governor Davidson:

House bill No. 117, "An Act incorporating the Bowie Independent School District in Montague county, Texas, for free school purposes only; defining its boundaries; providing for a board of trustees; providing for a treasurer for the funds of said district and providing for an assessor and collector of the taxes of said district; divesting the city of Bowie of the control of its public schools, and the title to school property; investing the same in said Bowie Independent School District, and its board of trustees, and prescribing the rights, powers, privileges and duties of said Bowie Independent School District, and its board of trustees and officers, and declaring an emergency."

House bill No. 116, "An Act creating the Nocona School District in Montague county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

House bill No. 16, "An Act to amend Article 1019, Title 27, Chapter 16 of the Revised Civil Statutes of the State of Texas, relating to appearance by brief of attorneys for either party in the Courts of Civil Appeals, and declaring an emergency."

House bill No. 122, "An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for a board of trustees and other officers of such district; to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authorities of said board of trustees, and declaring an emergency," with engrossed rider.

House Concurrent Resolution No. 3, same being a resolution asking President Taft and Secretary of State Knox to give the cotton producing States representation by appointment to diplomatic and consular positions in foreign countries to the end that the market for cotton and cotton goods may be extended and broadened, etc.

House bill No. 118, "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county; and Chapter 65 of the Special Laws of this State, amendatory thereof, passed by the Thirtieth Legislature at its Regular Session; providing for the creation of road districts in any political subdivision or any defined district hereafter to be described in said county; prescribing the procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding election and the manner thereof and to determine whether or not said bonds shall be issued; declaring the qualifications of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same and providing for the assessment and collection of taxes for such purpose; and creating a lien upon all taxable property of said district; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as General Laws of the State, making it cumulative of the General Laws of the State except when in conflict with this act, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Mayfield, the Senate, at 7 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,

Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance,

Statistics and History, to whom was referred

House bill No. 1, A bill to be entitled "An Act to provide for the more efficient regulation and supervision of banks of deposits or discounts or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, providing additional safeguards for the protection of the depositors and other creditors of such institutions, providing that all institutions shall be mutually liable pro rata within certain limitation for the payment of the liabilities of each such institutions to its guaranteed depositors, and defining the guaranteed deposit and the guaranteed depositors of such institutions, providing for the creation of a State Banking Board and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State Bank Guaranty Fund and for its maintenance and use in the payment of guaranteed deposits of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board to close and take possession of the property and business of such institutions and providing for their liquidation, and for the payments of their liabilities to their guaranteed depositors out of the State Bank Guaranty Fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision and for the appointment of the necessary number of examiners for that purpose and providing for their compensation; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money

borrowed and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks, and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employes of State banks to embezzle, abstract or wilfully misapply its money, funds or securities or to issue evidence of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors or to aid, or abet any such offense or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention, or for any officer, director, agent or employe of any State bank to knowingly and wilfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in or consent to the making of any loan not authorized by law, or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof: providing that national banking associations shall avail themselves of certain provisions of this act, and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached substitute do pass, and be printed in the Journal.

HUDSPETH, Chairman.

A BILL

To Be Entitled

An Act to require each corporation organized under the laws of this State, to do a banking business or to re-

ceive funds on deposit to file annually with the Commissioner of Insurance and Banking for the State a bond, or policy of insurance or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such Commissioner of Insurance and Banking to secure the depositors in such bank or other depository at such time and for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity and authorizing any person, firm or corporation doing a banking business in the State, or receiving funds on deposit to take the benefits of the provisions of this act and providing for the issuance of certificates by the Commissioner of Insurance and Banking, showing compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State, to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another permit from the State, and that the makers or signers as sureties of any bond or policy of insurance or other guaranty of indemnity hereunder upon making payments thereunder shall be subrogated to the rights of the depositors for whose benefits such payments shall be made, and providing penalties for the violation of the provisions of this act, and for their enforcement, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of each banking corporation, or other corporation receiving funds on deposit created under the laws of the State of Texas and transacting business in the State, to file annually with the Commissioner of Insurance and Banking, a bond, policy of insurance, or other guaranty of indemnity in an amount equal to twice the amount of its capital stock,

which said bond, policy of insurance, or other guaranty of indemnity shall be for and inure to the benefit of all depositors. Such instrument and the security thereby provided shall be approved by the county judge of the county in which such business is domiciled, and by the Commissioner of Insurance and Banking and shall take effect and be in force from and after the time it is approved and filed in the office of the Commissioner of Insurance and Banking. Every such corporation shall comply with the provisions of this act, within thirty days after the time said act shall take effect and every such corporation that may hereafter be incorporated shall comply with the provisions of this section before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act shall secure depositors at the time said bond is filed and approved and all deposits made during the period of twelve months thereafter.

Sec. 2. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provision of this act and to file with the Commissioner of Insurance and Banking a bond, or policy or other guaranty of indemnity. Any such corporation shall, in such event, file a bond or policy of insurance or guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas. Any such person or firm transacting the business of a private bank shall in such event file a bond or policy of insurance or other guaranty of indemnity in an amount equal to the average of the daily deposits with such persons or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this act unless such person or firm shall have been engaged in such business in the State of Texas for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Commissioner of Insurance and Banking such reports and statements concerning its deposits, and concerning the solvency of such bond, or policy of insurance, or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance or other guaranty of

indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided further, that such bond, policy of insurance or other guaranty shall be approved by the county judge and the Commissioner of Insurance and Banking and filed with the Commissioner of Insurance and Banking as provided for in Section 1 hereof.

Sec. 3. In the event of default by any person, firm or corporation transacting such business of receiving deposits which shall make, execute or file the bond or policy of insurance or other guaranty of indemnity, provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Commissioner of Insurance and Banking, when such default shall be made known to him, to report the same to the Attorney General of the State, and to give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond, or policy of insurance or other guaranty of indemnity, and upon the mailing of such notice the full amount of the same shall thereby become due and payable. In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Commissioner of Insurance and Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising either from voluntary payment or otherwise, shall be payable to the Commissioner of Insurance and Banking, and shall be by him promptly paid over pro rata to unpaid depositors upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed and before payment thereof shall be approved by him.

In the event any maker or signer as sureties of such bond or policy of insurance or other guaranty of indemnity shall be a corporation incorporated under the laws of Texas and it shall refuse or fail to pay over, upon demand therefor, as herein provided, the full amount due by it upon such bond or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General upon receiving notice thereof from the Commissioner of Insurance and Banking to bring suit in the district court of Travis county, Texas, to forfeit such charter, and upon hearing thereof decree and judgment may be rendered, annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance, or other guaranty of indemnity shall be a corporation incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over on demand therefor by the Commissioner of Insurance and Banking, as herein provided, the full amount of its liabilities upon any such bond, or policy of insurance or other guaranty of indemnity, it shall thereupon be the duty of the Commissioner of Insurance and Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Commissioner of Insurance and Banking thereafter to refuse any permit to said corporation to transact business in the State until it shall show to the satisfaction of such officers that it has fully discharged its liabilities upon such bond, or policy of insurance or other guaranty of indemnity upon which default was thus made.

In the event such person, firm or corporation in default in the payment of a default lawfully demanded, shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond, or policy of insurance or other guaranty of indemnity is not discharged it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond or policy of insurance or other guaranty of indemnity in the name of the Governor and for the benefit of all persons who may be beneficiaries thereof by reason of its terms and conditions. Such

suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy of insurance or other guaranty of indemnity transacted such business at the time of the filing thereof, or in any county immediately adjacent thereto at the option of the Attorney General. Any action upon such bond, or policy of insurance or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

In the event any person, firm or corporation or association of persons executing or signing the bond or guaranty herein provided for, shall transfer such portion of his or its property within four months prior to the service of the notice herein above provided for in case of default in the payment of the deposit lawfully demanded as that his remaining property, over and above all lawful exemptions, would be insufficient to meet the requirements of the obligation in said bond or guaranty incurred and assumed, then, in such event, such transfer of said property shall be void as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preference lien upon the property so undertaken to be transferred in favor of the Commissioner of Insurance and Banking as trustee for and on behalf of the lawful depositors of any such person, firm or corporation so making default in the payment of its depositors, or depositors, to the extent of any portion of any unpaid liability due and owing upon such bond or guaranty, provided that the satisfaction of such bond or guaranty as provided for in this act, and the terms of such bond shall satisfy and discharge such preference lien herein above provided for.

Sec. 4. Whenever any maker or signer of any bond or policy of insurance, or other guaranty of indemnity other than the principal therein, shall be required under the provisions of this act to pay over for the benefit of the depositors with any person or corporation, any sum or sums of money such maker or signer making or participating in such payment, shall thereby become subrogated to the rights of a depositor to the extent of the payment or payments so made, and entitled to assert such right in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such

bond, or policy of insurance or other guaranty or indemnity.

Sec. 5. The Commissioner of Insurance and Banking shall charge a fee of not to exceed \$20 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 1, and the examination of the solvency thereof and for the filing of the same shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any surety herein making or participating to file such bond or policy of insurance or other guaranty of indemnity under the provisions of this act.

Sec. 6. The bond, or policy or insurance or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

State of Texas,

County of.....

Know all men by these presents: That we,, as principal, and and as sureties, are held and firmly bound unto the Governor of the State of Texas, and his successors in office in trust for the benefit of depositors in the sum of dollars, payable as provided by the law of Texas, at the time of the execution hereof, conditioned that the above bound will pay upon demand, or in accordance with the certificate of deposit to the persons entitled thereto all deposits in said bank at the date of said bond and all other deposits made therein during the period of one year from the date thereof. Upon payment of any sum or sums made obligatory by reason of the terms hereof, any surety herein making or participating in such payment shall thereby be subrogated to the rights of a depositor and entitled to assert such rights in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by the terms hereof.

Sec. 7. The security for the benefit of depositors provided for by this act may be divided into two or more bonds, policies of insurance or other guaranties of indemnity, or any part thereof may be given in either of such forms of guaranty of indemnity, provided that the aggregate thereof shall be equal to the total amount of the security re-

quired in accordance with the provisions of this act.

Sec. 8. Whenever the deposits of any corporation incorporated under the laws of Texas which shall have filed a bond, or policy of insurance or other guaranty of indemnity with the Commissioner of Insurance and Banking in accordance with the provisions of this act shall exceed five times the amount of its capital it shall be its duty to furnish, in addition to the security theretofore so given, additional security for the protection of its depositors, which additional security shall consist of one or more bonds, or policies of insurance or other guaranties of indemnity, as herein provided, in a sum or sums, which shall, in the aggregate, be equal to the total amount of such excess of deposits above five times the amount of the capital of such corporation. In the event any such corporation shall refuse or fail to comply with the provisions of this section, after demand by the Commissioner of Insurance and Banking shall be his duty to report the facts to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein, forfeiting and annulling the charter of such corporation.

Sec. 9. If any corporation organized under the laws of this State, to do a banking business or to receive funds on deposit shall fail or refuse to file the bond, or policy of insurance or other guaranty of indemnity, provided for in Section 1 hereof, in accordance therewith, it shall be the duty of the Commissioner of Insurance and Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 10. If at any time it shall appear to the Commissioner of Insurance and Banking that any bond, or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, he shall have the authority, and it shall be his duty, to require such corporation to file new or additional security in an amount

sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such, communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Commissioner of Insurance and Banking and the Attorney General shall, in such event, have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws, enacted at the First Called Session of the Twenty-ninth Legislature.

Sec. 11. The Commissioner of Insurance and Banking shall issue to every person, firm or corporation acting hereunder and entitled thereto, a proper certificate showing the compliance with the provisions of this act and the amount and nature of the security furnished. Such person, firm or corporation, shall post such certificate conspicuously in its place of business, and may publish or advertise said certificate, or the facts recited therein, provided, any person, firm or corporation which shall falsely publish, advertise or represent or cause to be falsely published, advertised or represented any statement of compliance with the provisions of this act or any false statement as to the terms of such certificate or the facts recited in said certificate, shall be deemed guilty of a misdemeanor and shall be punished for each offense by fine not to exceed one thousand dollars.

Sec. 12. The fact that no adequate provision now exists for the execution and filing of bonds or other indemnities for the protection of depositors in banking and other concerns receiving funds for deposit in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Minority Report.)

Committee Room,
Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 1, A bill to be entitled

"An Act to provide for the more efficient regulation and supervision of banks of deposits or discounts or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, providing additional safeguards for the protection of the depositors and other creditors of such institutions, providing that all institutions shall be mutually liable pro rata within certain limitation for the payment of the liabilities of each such institutions to the guaranteed depositors, and defining the guaranteed deposit and the guaranteed depositors of such institutions, providing for the creation of a State Banking Board and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State Bank Guaranty Fund and for its maintenance and use in the payment of guaranteed deposits of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board to close and take possession of the property and business of such institutions and providing for their liquidation, and for the payments of their liabilities to their guaranteed depositors out of the State Bank Guaranty Fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision and for the appointment of the necessary number of examiners for that purpose and providing for their compensation; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed and the making of loans upon the collateral security of shares of stock

in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks, and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract or wilfully misapply its money, funds or securities or to issue evidence of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors or to aid, or abet any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention, or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in or consent to the making of any loan not authorized by law, or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; providing that national banking associations shall avail themselves of certain provisions of this act, and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

MAYFIELD,
TERRELL of McLennan,
VEALE.

H. B. No. 1. By Cureton et al.

A BILL

To be entitled

An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both

of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, providing additional safeguards for the protection of the depositors and other creditors of such institutions, providing that all institutions shall be mutually liable pro rata within certain limitations for the payment of the liabilities of each such institution to its guaranteed depositors, and defining the guaranteed deposits and the guaranteed depositors of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State bank guaranty fund, and for its maintenance and use in the payment of guaranteed depositors of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board, to close and take possession of the property and business of such institutions, and providing for their liquidation, and for the payment of their liabilities to their guaranteed depositors out of the State bank guaranty fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensation; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corpora-

tions; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employes of State banks to embezzle, abstract or willfully misapply its money, funds or securities, or to issue evidences of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet, any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention, or for any officer, director, agent or employe of any State bank to knowingly and willfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk, or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; providing that national banking associations shall avail themselves of certain provisions of this act, and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. On and after the first day of January, 1910, all banks of deposit or discount or of both deposit and discount and banking and trust companies in this State, organized, or that may hereafter be organized, under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, shall be liable pro rata in the manner and proportion

and to the extent hereinafter provided for the payment of all the liabilities of each such banking or other corporation to its guaranteed depositors as herein-after defined. All of the classes of banking corporations above referred to shall, for the purposes of this act, be classed and known and hereafter referred to as "State banks."

Sec. 2. All the liabilities of State banks other than owned by them, except debts due by such banks for which they have given collateral or other security, and debts due depositors, or other persons, upon which such State banks or any person for them or on their behalf have directly or indirectly paid or agreed to pay, or have become liable in law to pay, any interest, bonus, commission or other compensation whatever, shall be considered and defined and hereafter referred to as their "guaranteed deposits," and the persons to whom such liabilities are or may become due and payable, shall be considered and defined and hereinafter referred to as their "guaranteed depositors."

Sec. 3. For the purpose of carrying out and enforcing the provisions of this act, there is hereby created the State Banking Board, which shall be composed of the Commissioner of Insurance and Banking, who is hereafter referred to in this act as the Commissioner, the Attorney General and a citizen of this State who shall be appointed by the Governor for this State and who, prior to his appointment, shall have had five (5) years' experience as an active officer of a bank and who shall receive as his compensation as a member of the State Banking Board, the sum of ten (\$10) dollars per day for each day while engaged in active discharge of his duties as a member of said board. Immediately after this act shall take effect said board shall cause to be made by the State bank examiners, who are hereby placed under the direction and control of said board for that purpose, a full and careful examination of the affairs of each and every State bank doing business in this State, for the purpose of ascertaining its financial condition, the character, amount and values of its assets, the extent of its liabilities, the financial responsibility of its stockholders, the moral character, previous occupation, competency and business qualifications of its officers and directors, and such other facts as said board may deem advisable and may direct; and said board shall require a full and detailed report of such exami-

nation of each such corporation to be made by the State bank examiner making such examination, under his oath of office, such report to be filed with said board not later than the first day of December, 1909. It shall be the duty of the State Banking Board, from time to time after this act shall take effect, and prior to January 1, 1910, as the reports of examinations provided for in this section shall be filed with it, to consider and pass upon such reports, and to determine therefrom, and from such additional facts as may be submitted for its consideration or as it may ascertain from other investigation, whether such State bank is solvent and its capital stock unimpaired, and whether its officers and directors are of good moral character, competent and possess the necessary qualifications for properly discharging the duties incumbent upon them as such officers or directors and whether it is entitled under the laws of this State to continue to transact a banking business. Said board shall keep a record of its proceedings and findings relative to each bank considered and passed upon, and shall file a certified copy thereof, signed by each member of said board, in the office of the Commissioner, which shall be by him duly recorded in a book to be kept for that purpose. The said board shall not certify its approval of any State bank as being entitled to continue to transact a banking business or its approval of the chartering of any State bank, as provided in Section 5 of this act, unless it shall find the officers and directors of such bank to be of good moral character, competent and possessing the necessary qualifications to properly discharge the duties incumbent or to be incumbent upon them, as such officers or directors.

Sec. 4. It shall be the duty of the Commissioner to issue to each State bank which the State Banking Board shall have approved and certified to him, as provided in the preceding section, as being entitled to continue to transact a banking business, a certificate of authority in such form as the State Banking Board may approve, to be signed by him under his official seal, certifying that such State bank is authorized, under the laws of this State, to continue to engage in the banking business. The Commissioner shall close all State banks which the State Banking Board shall dispose, and shall determine not to be entitled, under the laws of this State, to continue to transact the banking business and shall proceed respecting the

same in the manner provided by law with respect to insolvent banks, unless such State bank shall go into voluntary liquidation.

Sec. 5. Section 2 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Section 2. The articles of association shall set out:

"(1) The corporate name of the proposed corporation, which shall not be the name of any corporation heretofore incorporated in this State for similar purposes, or any imitation of such name, and which shall include as a part thereof either the word 'bank' or 'banking.'

"(3) The amount of the capital stock of the corporation, which shall be divided into shares of \$100 each; that the same has been bona fide subscribed and actually paid up in lawful money of the United States, and is in the custody of the person named as the first board of directors or managers.

"(4) The name and place of residence of the several shareholders, and the number of shares subscribed by each.

"(5) The number of directors or managers and the names of those agreed upon for the first year.

"(6) The number of years the corporation is to continue, which in no case shall exceed fifty years.

"Such articles shall be signed and acknowledged by the parties thereto, shall be filed in the office of the Commissioner of Insurance and Banking, and when so filed shall be immediately submitted to the Attorney General for his approval, and if found by him to be in accordance with the law he shall so certify and return the same to the Commissioner of Insurance and Banking, who shall record the same in a book to be kept for that purpose, and shall make a certified copy thereof under his hand and seal, and shall immediately deliver such certified copy to a State bank examiner, by whom he shall cause to be made an examination for the purpose of ascertaining whether the requisite capital stock of such corporation has been fully paid up as required by the Constitution and laws of this State. No certificate of incorporation under this act shall be valid unless at the time the articles of association were signed and acknowledged the capital stock therein prescribed shall have been bona fide subscribed and paid up in lawful money of the United States. If, upon such examination it shall be found that the Constitution and laws have been fully

complied with, the person making such examination shall deliver to the president or cashier of said corporation the certified copy of its articles of incorporation, and shall take therefor the receipt of such corporation and of the person to whom the same shall be delivered. Upon the delivery of such certified copy and the execution of the receipt therefor and upon the filing for record of such certified copy in the office of the county clerk of the county in which the corporation is to be located the same shall become valid and effective as to the charter of said corporation, which shall thereupon be allowed to open its doors and engage in business as a State bank. It shall be the duty of the examiner to immediately make a report of such examination under his oath of office to the State Banking Board, whose duty it shall be to forthwith consider and act upon the same, and to determine therefrom and from such additional facts as may be submitted for its consideration, or as it may ascertain from other investigation, whether such corporation is solvent and its capital stock unimpaired, and whether its officers and directors are of good moral character, competent and possess the necessary qualifications for properly discharging the duties incumbent upon them as such officers or directors, and whether it is entitled under the laws of this State to transact a banking business. If the State Banking Board shall have approved the chartering of such bank, upon receipt of its certificate the Commissioner shall issue to such corporation the certificate of authority above provided for. In case the State Banking Board shall disapprove the report of the examiner, and refuse to certify that such corporation is entitled to a certificate of authority, it shall be the duty of the Commissioner to immediately close the office of such corporation, unless it shall go into voluntary liquidation, and to proceed in the manner provided by law with respect to insolvent banks. All amendments to the charters of all banking corporations heretofore or hereafter formed shall be filed in the office of the Commissioner of Insurance and Banking and approved by the Attorney General and recorded by said Commissioner, when so approved, in the same manner as original charters."

Sec. 6. Section 10 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Section 10. The articles of agreement shall be signed and acknowledged by the parties thereto and recorded in the office of the Commissioner of Insurance and Banking, who shall submit the same to the Attorney General for his approval, and if found by him to be in accordance with the law, he shall so certify and return the same to said Commissioner, who shall record the same in a book to be kept for that purpose, and make a certified copy thereof under his hand and seal, and thereafter the same steps shall be taken and the same course pursued as is provided by law with respect to the incorporation of banks of deposit or discount, or both of deposit and discount."

Sec. 7. Section 5 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 5. That hereafter the capital stock of all banking corporations, which shall be fully paid up, shall not be less than \$10,000, if the business is to be transacted in towns or cities having less than 750 inhabitants, nor less than \$25,000 if the business is to be transacted in towns or cities having 750 or more and less than 3000 inhabitants; nor less than \$50,000, if the business is to be transacted in towns or cities having 3000 or more and less than 6000 inhabitants; nor less than \$100,000, if the business is to be transacted in towns or cities having 6000 inhabitants or more. Provided, that a banking corporation may be formed with a capital, with not less than \$50,000, having power to transact business in any city or town at a point, designated in its charter, not less than one mile removed from the place of business, at the time such corporation is formed, of any banking corporation organized under the laws of Texas or those of the United States. The population of all towns and cities for the purpose of fixing the minimum capital stock of banks under this act shall be ascertained by the Commissioner of Insurance and Banking from such affidavits as may be submitted to him or such proof as he may obtain upon investigation."

Sec. 8. All State banks transacting business in this State shall be required, on and after the first day of January, 1910, to hold a certificate of authority to transact a banking business issued by the Commissioner, in compliance with the provisions of this act, and to keep

the same conspicuously posted at all times in the banking house where such business is transacted. Any person or persons who shall, in any capacity, transact, or hold themselves out as transacting the business of banking for or on behalf of any State bank or banking and trust company, after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense, each day being considered a separate offense, by a fine of not less than \$500 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 9. The Commissioner shall, during the month of November, 1909, and of each calendar year thereafter, require the cashier of each State bank, which has been so organized and doing business for one year prior to November 1 of each such calendar year, to file with him a sworn statement of the average daily deposits of such bank for said year ending November 1, and he shall require the cashiers of all other State banks to each file with him, during such month of November, a sworn statement of the total amount of the capital, surplus and undivided profits of their respective banks, as of said first day of November. Immediately after the first day of December, 1909, the State Banking Board shall, for the purpose of creating a State bank guaranty fund, levy against each State bank, which it shall have approved as being entitled to continue in the banking business, an assessment of 1 per cent of its average daily deposits for the year ending on the first day of November, 1909, if it shall have transacted business for one year prior to said date, or an assessment of 3 per cent of its total capital, surplus and undivided profits as of the first day of November, 1909, if it shall not have transacted business for one year prior to that date; provided, that if said assessment shall not in the aggregate provide a fund of at least five hundred thousand (\$500,000) dollars, then the same shall be proportionately increased to such percentage of the average daily

deposits and of the capital, surplus and undivided profits, respectively, as will provide a fund of that amount. Immediately after the first day of December of each year after 1909, the State Banking Board shall reley and readjust the assessment above provided for in the same manner except that they shall each succeeding year increase the percentage of the assessment upon the average daily deposits of the banks to which such assessment is applicable by one-fourth of one per cent, and they shall increase the percentage of assessment upon the capital, surplus and undivided profits of banks to which such assessment is applicable by three-fourths of one per cent until such time as the total amount of said State bank guaranty fund shall equal 5 per cent of the average daily deposits of all of the State banks which have been in business for one year added to 15 per cent of the capital, surplus and undivided profits of all other State banks. Each State bank shall pay such assessments by crediting the State bank guaranty fund with the amount thereof upon its books as of date January 1, next, after the said assessment is made, as a demand deposit, subject to check, upon the order of the State Banking Board, and shall, prior to said date, forward to the Commissioner proper evidence of such credit, and each State bank shall charge the amount of each such assessment so credited to the State bank guaranty fund upon its books to "interest in State bank guaranty fund," and shall be entitled to treat in its statements of condition and otherwise the amount of its said interest in said fund, as shown by its books as a portion of its assets; provided, that the amount of its said interest in said fund shall not include any of the amounts paid out upon general checks drawn by order of the State Banking Board. The reley and readjustment of the assessment herein provided for shall be made on such a basis as will provide a State bank guaranty fund as of January 1 of each succeeding year equal to the percentages herein prescribed of the average annual deposits and capital, surplus and undivided profits, respectively, for each succeeding year until the maximum percentage herein prescribed shall be attained and thereafter such reley and readjustment shall be made each year upon such a basis as will provide a fund upon January 1 of each year amounting to 5 per cent of the annual

deposits and 15 per cent of the capital, surplus and undivided profits as hereinabove provided for.

If, in the making of such re-levy and readjustment, it becomes necessary to reduce the amount of the assessment of any State bank, said board shall order a check, countersigned by some other members of said board designated for that purpose, drawn upon said State bank in favor of itself, dated January 1 next thereafter, for the amount of such reduction, which the Commissioner shall forthwith transmit to such State bank, and if it shall be necessary to increase the assessment of any State bank, it shall direct the Commissioner to notify such State bank of the amount of such increase, and require that it credit the State bank guaranty fund with the amount of such increase, as of date of the first day of January thereafter, and send to the Commissioner proper evidence of such credit, prior to said date. Any State bank incorporated after the first day of January, 1910, shall, before it shall be issued a certificate of authority to transact a banking business, credit the State guaranty fund upon its books, as hereinbefore provided, with an amount equal to three per cent of its capital stock and paid in surplus, if any, and furnish the Commissioner with proper evidence of such credit. Whenever the amount deposited to the credit of the State bank guaranty fund on the books of the various State banks shall at any time be reduced by the payment of checks drawn upon them by order of the State Banking Board, for the purpose of paying the guaranteed deposits of any State bank, as hereinafter provided for, below the amount of such credit as of the first day of January next preceding, it shall be the duty of the State Banking Board to immediately levy an assessment based upon the average daily deposits, and upon the capital, surplus and undivided profits, as shown by the sworn statements filed in the preceding November, as herein provided, sufficient to make good such reduction; provided, that the total assessments made for the purpose of making good such reduction shall not exceed two per cent of such average daily deposits for any one calendar year exclusive of the one-fourth of one per cent required to be placed to the credit of the bank guaranty fund each year as heretofore stated, and the various banks shall immediately furnish the Commissioner proper evidence of such additional credit, but this provision shall not apply to special checks drawn

only on certain banks by order of said board, as hereinbefore provided.

It shall be the duty of the Commissioner to keep a strict account with each State bank in which any portion of the State bank guaranty fund is deposited in a book to be kept for that purpose, showing all amounts credited to said fund, in each bank, and all checks drawn against the same, and it shall be his duty to immediately notify any such bank of any discrepancy between the status of its account as shown upon his books and any statement made by such bank or any report of its examination, and he shall also call such discrepancy to the attention of the State Banking Board.

Whenever any State bank shall pay off and discharge all its liabilities to its creditors and go into liquidation for the purpose of voluntarily winding up its affairs and surrender to the Commissioner its certificate of authority, it shall be the duty of the State Banking Board upon a showing of these facts to order the Commissioner to draw a check upon such State bank in its favor for the amount of the State bank guaranty fund on deposit therewith, which shall be thereby repaid to it upon such liquidation, provided nothing in this act shall be construed so as to guarantee interest bearing deposits in such bank.

Sec. 10. Whenever the Commissioner shall have reason to believe that the capital stock of any State bank is reduced by impairment or otherwise below the amount required by law or by its certificate of authority, or articles of incorporation, he shall present the matter to the State Banking Board for its consideration, and if said Board shall determine thereupon that the capital stock of such State bank is impaired to the extent of not more than twenty-five per cent thereof, the Commissioner shall require such State bank to make good the deficiency within sixty days after the date of such requisition. If said Board shall determine that the impairment exceeds twenty-five per cent of the amount of the capital stock, the Commissioner shall require that such State bank forthwith reduce the amount of such impairment to less than twenty-five per cent and to make good the whole impairment within sixty days from the date of such requisition. The Commissioner may examine or cause to be examined any such State bank to ascertain the amount of such impairment and whether the deficiency has been made good, as required by him.

The directors of every such State bank upon which such requisition shall have been made shall give notice of such requisition to each stockholder of the corporation and of the amount of the assessment which he must pay for the purpose of making good such deficiency by a written or printed notice mailed to such stockholder at his place of residence, or served personally upon him. If any stockholder shall refuse or neglect to pay the assessment specified in such notice within the time provided by the requisition of the Commissioner, the directors shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving previous notice of such sale for two weeks in a newspaper of general circulation published in the county where the principal office of such corporation is located; or such stock may be sold at private sale and without such published notice; provided, however, that before making private sale thereof an offer in writing to purchase such stock shall be obtained and a copy thereof served upon the owner of record of the stock caused to be sold either personally or by mailing a copy of such offer to such owner at his place of residence or address furnished by him to such State bank; and if after service of such offer such owner shall still refuse or neglect to pay such assessment within two weeks from the time of service of such offer, the said directors may accept such offer and sell such stock to the person or persons making such offer, or to any other person or persons making larger offer than the amount named in the offer submitted to such stockholder; but such stock shall in no event be sold for a smaller sum than the valuation put on it by the Commissioner in his determination and certificate, which valuation shall not be less than the amount of the assessment called for and the necessary costs of sale. Out of the avails of the stock sold the directors shall pay the necessary costs of sale and the amount of the assessment called for thereon. The balance, if any, shall be paid to the person or persons whose stock has been thus sold. The sale of stock as herein provided shall effect the cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void, and a new certificate or new certificates shall be issued to the purchaser or purchasers of said stock. If it shall appear to the Commissioner that any State bank has violated its charter or any law binding upon it, he may, by an order under his

hand and official seal, addressed to such State bank, direct the discontinuance of such violation; or, if it shall appear to the Commissioner that any such State bank is conducting its business in an unsafe or unauthorized manner, he may in like manner direct the discontinuance of such unsafe or unauthorized practices. Such order shall require such State bank to show cause before the State Banking Board at a time and place to be fixed by the Commissioner why said order should not be observed.

Sec. 11. If the capital stock of any State bank shall be impaired and such impairment is not made good as required by law, or if any such State bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of such State bank, or if it shall violate its charter, or any law of the State, or if such State bank shall suspend payment of its obligations, or if such State bank shall conduct its business in an unsafe or unauthorized manner, or if from any examiner's or other report provided for by law, the Commissioner shall conclude that such State bank is in an unsafe or unsound condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, and the Commissioner shall communicate the facts to the Attorney General, an action to procure a judgment dissolving such corporation and forfeiting its charter may be maintained.

Sec. 12. Whenever it shall appear to the Commissioner that any State bank has violated its charter or any law of the State, or is conducting its business in an unsafe or unauthorized manner, or if any such State bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concern of any such State bank, or to answer under oath any interrogatories touching such concern, sent him by the Commissioner through the mails with the requests for such answer, within ten days after the same shall have been mailed to him at his address by registered letter, or if any such State bank shall suspend payment of its obligations, or if from any examination or report provided for or authorized by law, the examiner shall have reason to conclude that such State bank is in an unsound or unsafe condition to transact the business for which it is organized or that

it is unsafe or inexpedient for it to continue business, or if any such State bank shall neglect or refuse to observe an order or requisition of the Commissioner to reduce or make good the impairment in its capital stock as required by law, the Commissioner may forthwith take possession of the property and business of such State bank and retain such possession until such State bank shall resume business, or its affairs finally liquidated, as herein provided. On taking possession of the property and business of any such State bank, the Commissioner shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals holding or in possession of any assets of any such State bank. No bank, trust company, association or individual knowing of such taking possession by the Commissioner, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred against any of the assets of the State bank whose property and business the Commissioner shall have taken possession as aforesaid. Such State banks may, with the consent of the State Banking Board, resume business upon such condition as may be approved by it, which permission shall be evidenced by a written statement to the effect of the Commissioner. Upon taking possession of the property and business of such State bank, the Commissioner is authorized to collect moneys due to such corporation, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided. The Commissioner shall collect all debts due and claims belonging to such State bank, and upon the order of the district court, if in session, or the judge thereof if in vacation, of the county in which it was located and transacting business, may sell or compound all bad or doubtful debts, and on like order may sell the real or personal property of such State bank on such terms as the court shall direct; and may, if necessary to pay the debts of such State bank, enforce the individual liability of the stockholders. The Commissioner may, under his hand and official seal, appoint one or more special agents to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the Commissioner and a certified copy in the office of the clerk of the county court in which such State

bank was located and transacted business. The Commissioner may, from time to time, authorize a special agent to perform such duties connected with such liquidation and distribution as the said Commissioner may deem proper. The Commissioner may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such State bank, and may retain such of the officers or employees of such State bank as he may deem necessary. The Commissioner shall require from a special agent and from such assistants such security for the faithful discharge of their duties as he may deem proper. The Commissioner shall cause notice to be given by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons who may have claims against such State bank to present the same to the Commissioner and make legal proof thereof, at a place and within a time not earlier than the last day of publication to be therein specified, which notice shall contain a statement, in larger type than that in which the body of such notice is printed, specifically stating that all such claims of guaranteed deposits must be presented and legal proof thereof made at the place designated within forty-five days after the date which the property and business of such State bank was taken possession of by the Commissioner, and that all claims of guaranteed depositors presented after the expiration of forty-five days shall not be entitled to payment of their claims or any portion thereof out of the State bank guaranty fund. The Commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the State bank. If the Commissioner doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the Commissioner. The action upon a claim so rejected must be brought within six months after such service. Claims presented after the expiration of the time fixed in the notice to the creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the Commissioner equitably applicable thereto. Upon taking possession of the property and assets of such State bank, the

Commissioner shall make an inventory of the assets of such State bank in duplicate, one to be filed in the office of the Commissioner, and one in the office of the clerk of the county in which such State bank was located and transacting business; upon the expiration of the time fixed for the presentation of claims, the Commissioner shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, and showing fully all claims and amounts paid to guaranteed depositors out of the State bank guaranty fund, and the amount to which said fund is entitled by reason of its subrogation to the rights of such guaranteed depositors so paid, and all amounts held by him on account of claims of guaranteed depositors, which have been rejected or are in dispute, one to be filed in the office of the Commissioner and one in the office of the clerk of the county court of the county in which such State bank was located and transacted business. Such inventory and list of claims shall be open at all reasonable times to inspection. All compensation of special agents, counsel and other employes and assistants, and all expenses of supervision and liquidation shall be fixed by the Commissioner, subject to the approval of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacting business, or notice to such State bank; providing that the compensation of such special agents shall always be the same as is provided by law for State bank examiners, and shall, upon the certificate of the Commissioner, be paid out of the fund of such State banks in the hands of the Commissioner. The moneys collected by the Commissioner shall be from time to time deposited in one or more State banks, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. At any time after the expiration of the date fixed for the presentation of claims the Commissioner may, out of the funds remaining in his hands, after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of a notice to creditors, he may declare a final dividend, such dividends to be paid to such person and in such manner, and upon such notice as may be directed by the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was

located and transacted business. In the declaration and payment of all such dividends, the State bank guaranty fund shall be entitled to receive as its dividend such portions of the amounts due and payable to guaranteed depositors as shall have been paid to them out of the State bank guaranty fund, together with six per cent interest thereon from the date or dates upon which checks were drawn upon all State banks as hereinafter provided to provide for the payment of the guaranteed deposits of such State banks, and the Commissioner shall forthwith distribute such dividends to the State banks upon which checks were drawn for such payment of guaranteed depositors in proportion to the amounts of such checks respectively. Objections to any claim not rejected by the Commissioner may be made by any party interested by filing a copy of such objections with the Commissioner, who shall present the same to the district court, if in session, or the judge thereof, if in vacation, at the time of the next application to declare a dividend. The court may make proper provision for improved or unclaimed deposits. Whenever any such State bank, of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time within ten days after taking such possession, apply to the district court, if in session, or the judge thereof, if in vacation, of the district in which such bank is located and transacting business, to enjoin further proceedings, and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined and hearing the allegations and proofs of the parties and determining the facts may, upon the merits, dismiss such application or enjoin the Commissioner from further proceedings and directing him to surrender such business and property to such State bank. Whenever the Commissioner shall have paid to each and every depositor and creditor of such State bank (not including stockholders), whose claim or claims as such creditor or depositor shall have been duly proven and allowed, the full amount of such claims and shall have repaid to the State bank guaranty fund all amounts paid out of it to guaranteed depositors of such State bank, together with six per cent interest thereon from the date when the checks to provide for such payment were drawn, and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the ex-

penses of the liquidation, the Commissioner shall call a meeting of the stockholders of such State bank by giving notice thereof for thirty days in one or more newspapers in the county where such State bank was located and transacted business. At such meeting the stockholders shall determine whether the Commissioner shall be continued as liquidator, and shall wind up the affairs of such State bank, or whether an agent or agents shall be elected for that purpose, and in so determining, the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and a majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the Commissioner, he shall complete the liquidation of such corporation, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the district court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary for a choice. Such agent or agents shall execute and file with the Commissioner a bond, in such amount, with such sureties and in such form as shall be approved by the Commissioner, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the Commissioner shall transfer and deliver to such agent, or agents, all the undivided and unclaimed or other assets of such State bank then remaining in his hands; and upon such transfer and delivery the said Commissioner shall be discharged from any and all further liability to such State bank and its creditors and stockholders. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said State bank, as is herein provided in the case of distribution by the Commissioner, except that the expenses thereof shall be subject to the direction and control of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In case of the death, removal, or refusal to act, of such agent or agents, the stockholders, on the same notice, to be given by

the Commissioner, upon proof of such death, removal, or refusal to act being filed with him, and by the same vote hereinbefore provided, may select a successor, and shall have the same power and be subject to the same liabilities and duties as the agent originally elected. Dividends and unclaimed deposits remaining unpaid in the hands of the Commissioner for six months after the order for final distribution, shall be by him deposited in some State bank to be designated by the State Banking Board to the credit of the Commissioner, in his name of office, in trust, for the several depositors with, and creditors of, the liquidated State bank from which they were received, who were entitled thereto. The Commissioner shall show in his official report the names of the State banks so taken possession of and liquidated, and the amounts of unclaimed and unpaid deposits or dividends, with respect to each of them, respectively. The Commissioner shall pay over the moneys so held by him to the persons respectively entitled thereto, upon the order of the State Banking Board, who shall direct such payment to such persons upon being furnished satisfactory evidence of their right to the same. In cases of doubt of conflicting claims, the State Banking Board may require an order of the district court, if in session, or the judge thereof, if in vacation, authorizing and directing the payment thereof. The State Banking Board may apply the interest earned by the moneys held by the Commissioner, or may authorize him to apply the same toward defraying the expenses incurred in the payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive the same, and the Commissioner shall include in his official report a statement of the amount of interest earned by such unclaimed dividends. Any State bank may, at any time, place its affairs and assets under the control of the Commissioner by posting a notice on its front door, as follows: "This institution is in the hands of the Commissioner of Insurance and Banking of the State of Texas." The posting of this notice or of the same notice by the Commissioner at any time when he shall have taken possession of the property and business of a State bank, shall be sufficient to place all its assets and property of whatever nature in the possession of the Commissioner

and shall operate as a bar to any attachment proceedings whatever.

Sec. 13. Section 40 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby repealed.

Sec. 14. Whenever any State bank shall voluntarily place itself in the hands of the Commissioner, or whenever the Commissioner shall take possession of the property and business of any State bank, in addition to the other duties required of him by law, he shall immediately cause to be made a thorough and complete examination of the affairs of such State bank by a State bank examiner, and shall require a report of such examination to be made to him by the examiner making the same, under his oath of office, which shall be without delay submitted to the State Banking Board for its consideration. Such reports shall show the amount of the liabilities of such State bank to guaranteed depositors as defined by this act, as shown by its books, and also the amount of any such liabilities of which the examiner may have received information not shown by such books and all its other liabilities, and also its total cash and other resources and the probable amount that can be realized out of the collection of its debts and the probable time within which the same may be realized, the responsibility of its stockholders, and such other facts as the Commissioner of the State Banking Board may direct. When the State Banking Board shall have considered such report it shall either make an order directing the entire amount of the guaranteed deposits as herein defined of such State bank to be paid by the Commissioner, personally or through his special agent, in cash, upon satisfactory proof of the indebtedness due in each of such guaranteed depositors being made, or it may make an order directing that the Commissioner, either personally or through his special agent, shall issue to such guaranteed depositors, upon satisfactory proof being made of the amount due him by said State bank as a guaranteed deposit, a certificate (or certificate as hereinafter provided) certifying that the holder is a guaranteed depositor in such State bank, and as such is entitled to be paid out of the State bank guaranty fund, the amount stated in such certificate and that the said amount is due and will be paid over to the owner or holder of such certificate, to-

gether with 6 per cent interest thereon, sixty days after the date of the closing of such State banks by the Commissioner, out of said State guaranty fund (provided, that if prior to the expiration of such period of sixty days said State bank shall be lawfully permitted to resume business, then and in that event such certificate shall be payable and redeemable in cash upon presentation to said State bank by it instead of by the Commissioner out of said State bank guaranty fund). Such certificates shall be in form prescribed and approved by the State Banking Board, and shall be signed or countersigned by the Commissioner or such other member of said Board as it shall direct, and shall be so devised and designated as to guard against alteration or misuse. Such certificates may, at the option of the guaranteed depositor entitled to receive the same, be issued in such reasonable denomination as he may desire; provided, that the total amount of such certificates so issued to each guaranteed depositor shall equal the amount due him as a guaranteed depositor. The amount which shall be paid to any guaranteed depositor in any State bank on account of his guaranteed deposit, a portion or all of which shall be payable out of the State bank guaranty fund, shall be the net amount derived by deducting from the total amount of the liability of said State bank to him, as a guaranteed depositor, the amount of his direct and indirect indebtedness and liability due or to become due, if any, to said State bank.

Sec. 15. Should the State bank guaranty fund become depleted, then the State Banking Board, upon the approved claims of all guaranteed depositors, shall issue certificates, which, at the option of the depositors entitled to receive the same, may be issued in such reasonable denominations as he may desire, provided that the total of such certificates shall equal the total amount due such guaranteed depositor, which certificates shall be numbered consecutively, and shall bear interest at the rate of 6 per cent per annum, and shall be payable, principal and interest, out of the State bank guaranty fund upon call of the State Banking Board, as soon as a sufficient amount shall have been accumulated under the terms and provisions of this act. The Commissioner shall keep a record of the issuance and number of such certificates, and the payment of the same shall be in accordance

with the numbers of such certificates, as shown by the record in the office of the Commissioner.

Sec. 16. When any State bank shall voluntarily place itself in the hands of the Commissioner, or when he shall take possession of the property and business of any State bank, he shall immediately, after the State Banking Board shall have passed upon the examiner's report and determined and directed how the guaranteed depositors shall be paid, cause a written notice to be sent to each and every guaranteed depositor, as shown by the books of said State bank, informing him that his claims as a guaranteed depositor against said State bank must be presented and proved up for payment not later than forty-five days after the date upon which the Commissioner took possession of said State bank, which notice shall advise such guaranteed depositor whether his claim is to be paid in cash or in certificates as herein provided and shall inform him that unless his claim be proven up within forty-five days after the date upon which the Commissioner took possession of said bank, the same will not be payable in any event out of the State bank guaranty fund.

Sec. 17. If the State Banking Board shall make an order directing that the guaranteed depositors in a closed State bank shall be paid in cash, it shall immediately order the Commissioner to draw checks, countersigned by some other members of said Board designated for such purpose, which shall be known and marked as "special checks", on such of the State banks and for such portions of the amount of the State bank guaranty fund on deposit therewith, respectively, as it may determine and direct, for amounts sufficient in the aggregate to pay in full the amount due to the guaranteed depositors of said State banks. The State Banking Board shall have the right to order other additional special checks drawn as above provided in case they shall find that the amount originally estimated will prove insufficient to pay all guaranteed depositors. Such special checks shall be made payable to the order of some State bank, and shall be deposited by the Commissioner in such bank as a special deposit for the purpose of paying the guaranteed depositors in the State bank of which he shall take possession, and shall be subject to his check for that use and purpose. The Commissioner may, if so directed by the State Banking Board,

draw the sums so deposited in cash upon checks made payable to himself for the purpose of paying in cash the guaranteed depositors of said closed State bank. With the fund so provided, the Commissioner shall immediately proceed, either personally or through his special agents, to pay all claims of guaranteed depositors as they may be presented and proven up, taking receipts therefor in such form as may be prescribed by the State Banking Board. At the expiration of forty-five days after the Commissioner shall have taken possession of the property and business of any State bank whose guaranteed depositors he shall have paid in cash he shall make report to the State Banking Board of the total amount of guaranteed deposits of such institution and of the amount of such guaranteed deposits paid by him, and to whom paid and of the amount of claims presented by guaranteed depositors which he has rejected and disallowed, and of any amount of cash he has on hand on account of such claims, and of any amount which he may have paid or contracted to pay out of said State bank guaranty fund in connection with the expenses incident to the payment of such guaranteed deposits, and of the amount remaining in his hands or on special deposit in his name out of the funds provided by special checks for the payment of the guaranteed depositors of such State bank, and of the amount of money in his hands belonging to said closed State bank which may be properly paid into the State bank guaranty fund on account of the guaranteed deposits paid out of such fund. Such report shall be accompanied by proper vouchers for all expenditures so made by the Commissioner, or his special agent. The State Banking Board shall thereupon consider such report, and carefully audit the same in connection with the vouchers submitted therewith, and if it approve the same it shall order the Commissioner to draw checks, countersigned by some other members of said Board designated for that purpose, upon all State banks other than those upon whom such special checks were drawn for their respective proportionate amounts of such sum as may be necessary in addition to such amount as may remain unexpended in the hands of the Commissioner out of proceeds of such special checks, and such amount belonging to said closed bank as may be in his hands, which is due and payable, as aforesaid.

to the State bank guaranty fund to repay the amounts drawn by such special checks. Each of the checks so drawn shall be for that proportion of such sum which the amount of the State bank guaranty fund on deposit in each such State bank bears to the total amount of said State bank guaranty fund and such checks shall be payable to the order of some State bank in which there shall be deposited by the Commissioner to his credit as a special deposit, and against such special deposit shall immediately draw his check in favor of each of the State banks upon whom the special checks were drawn for the difference between the amount of such special checks drawn upon each bank and its proportionate amount of the cash raised upon all of such special checks so drawn, and he shall immediately transmit the same to such State banks upon whom such special checks were drawn in repayment of the amount advanced by them over and above the amount proportionately due by them.

Sec. 18. If the State Banking Board shall direct that the guaranteed depositors of any State bank of the business and property of which the Commissioner shall take possession shall be paid in certificates, as provided in this act, the Commissioner, personally, or through his special agent, shall issue certificates as provided herein to each guaranteed depositor as his claim may be presented and proved up, and at the expiration of forty-five days after he shall have taken possession of such State bank, he shall report to the State Banking Board the total amount of the guaranteed deposits of such State bank, claims for which have been proven up and allowed and paid in such certificates and of the amount of cash in his hands belonging to said State bank, which is due and payable to the State bank guaranty fund, or can properly be applied to the redemption of such certificates so issued. It shall be the duty of the State Banking Board to consider said report and to determine therefrom the amount necessary to draw from the State bank guaranty fund to redeem the certificates issued and pay the interest accrued thereon, and to pay the expenses of handling and administering the affairs of said State bank properly payable out of said fund, and to direct the Commissioner to draw checks, countersigned by some other members of said board designated for that purpose, upon each State bank for the proportion of

said amount which the amount of the State bank guaranty fund on deposit in such State bank bears to the total amount of said State bank guaranty fund. Such checks shall be payable to the order of some State bank and shall be deposited together with the funds in the hands of the Commissioner belonging to such closed State bank, due and payable to the State bank guaranty fund, in some State bank, to his credit as a special deposit for the purpose of redeeming such certificates; and the Commissioner shall immediately upon the expiration of sixty days after the date upon which he took charge of said bank, or if the State bank guaranty fund is depleted, upon call of the State Banking Board, pay the certificates theretofore issued by him or his special agent, as the same shall be presented for payment, together with interest thereon at the rate of six per cent per annum for said time, in checks drawn against such special deposit, or at the option of the holder in cash. If any State bank of the business and property of which the Commissioner shall have taken charge shall hereafter resume business by order of the State Banking Board, within less than sixty days after the date upon which the Commissioner so took charge, in that event any certificates that may have been issued by the Commissioner in payment of its guaranteed depositors shall be redeemed upon the re-opening of said State bank by it in cash upon their presentation. The Commissioner, within ninety days after he shall have taken possession of such bank, shall make a full report to the State Banking Board, showing the amounts collected and disbursed by him in the payment of guaranteed depositors, accompanied by proper vouchers for all disbursements, and showing all amounts remaining in his hands and on what account the same is held, which report shall be carefully audited by the State Banking Board, in connection with the vouchers submitted therewith. A copy of such report shall be recorded in the office of the Commissioner, and a certified copy shall be recorded in the office of the county clerk of the county where such State bank was located and transacted business, and a printed copy shall be mailed by the Commissioner to each State bank in the State.

Sec. 19. If the Commissioner, or his special agent, shall disallow or reject any claim presented by a guaranteed depositor, he shall nevertheless include the amount of such disallowed or rejected

claim in the amount for the payment of which provision is to be made out of State bank guaranty fund, and like provisions shall be made for such claim as for those duly allowed and paid, but the Commissioner shall retain in his hands such an amount pending the final settlement and adjudication of such rejected or disputed claim, and shall apply the same in payment thereof, if it shall be found that such State bank was legally liable therefor, and shall equitably distribute the same to the various banks in which the State bank guaranty fund is deposited if it shall be finally determined that such State bank is not so liable.

Sec. 20. Any deposit made by the Commissioner, as provided by this act in any State bank, for the purpose of providing for the payment of guaranteed depositors, whether of special checks or checks drawn upon all banks in which the State bank guaranty fund may be deposited or otherwise, and all deposits of any portion of the State bank guaranty fund originally credited thereto in any State bank, as provided by this act, shall be preferred before all other deposits in case of the insolvency or suspension of the depository.

Sec. 21. If from the sworn statement of the average daily deposits of any bank for the year ending on the first day of November, 1909, or of any subsequent year, filed with the Commissioner as provided for in Section 7 of this act, it shall appear that such average daily deposits for such year amounted to more than five times the capital stock and surplus of such bank on November 1st of such year, if the capital stock of such bank is not more than \$10,000.00, or more than six times such capital stock and surplus, if the capital is more than ten thousand dollars and less than twenty thousand dollars, or seven times such capital stock and surplus if the capital stock is twenty thousand dollars or more and less than forty thousand dollars, or eight times such capital stock and surplus if the capital stock is forty thousand dollars or more and less than seventy-five thousand dollars, or nine times such capital stock and surplus if the capital stock is seventy-five thousand dollars or more and less than one hundred thousand dollars, or ten times such capital stock and surplus if such capital stock is one hundred thousand dollars or more, then in any such case it shall be the duty of the State Banking Board to require that such State bank shall within sixty days thereafter increase

its capital by 25 per cent thereof, and it shall be the duty of the Commissioner to immediately furnish such State bank with a certified copy of the order making such requirement, and upon the receipt of such requisition the directors of such State bank shall, within the time required, cause such increase to be made in its capital stock, and if the same is not done within such time, it shall be unlawful for such bank to thereafter receive any deposits at any time when its total demand and time deposits shall in the aggregate amount to more than ten times its capital stock, or when after receiving such deposit its total demand and time deposits will then amount to ten times its capital stock.

Sec. 22. Section 39 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Section 39. It shall be the duty of the Commissioner of Insurance and Banking at least once in each quarter of each calendar year to cause each banking corporation, subject by law to examination, to be thoroughly and fully examined and any such corporation may be examined whenever such Commissioner may deem it necessary or expedient. Such Commissioner and all State bank examiners shall have power to administer oaths to any person whose testimony may be desired for the purpose of any such examinations. The expenses of every general or special examination shall be paid by the corporation examined in such amount as the Commissioner of Insurance and Banking shall certify to be just and reasonable. Provided such expenses shall be paid in proportion to the amount of the capital stock of the various corporations as follows: Those with a capital stock of \$10,000 shall not pay more than \$12.50; those with a capital stock of more than \$10,000 and not exceeding \$25,000 shall pay not more than \$15.00; those with a capital stock of more than \$25,000 and not exceeding \$50,000 shall not pay more than \$20.00; those with a capital stock of more than \$50,000 and not exceeding \$100,000 shall not pay more than \$30.00; those with a capital stock of more than \$100,000 and not exceeding \$250,000, shall not pay more than \$37.50; those with a capital stock of more than \$250,000 and not exceeding \$500,000 shall not pay more than \$75.00; those with a capital stock of more than \$500,000 and not exceeding \$1,000,000 shall not pay more than \$125.00; those with a capital stock of more than \$1,000,000 and not

exceeding \$2,000,000 shall not pay more than \$150.00; those with a capital stock of more than \$2,000,000 and not exceeding \$4,000,000 shall not pay more than \$200.00; and those with a capital stock exceeding \$4,000,000 shall not pay more than \$300.00.

"The permanent surplus of any such corporation shall be reckoned, in ascertaining the fees for examination, as a part of its capital stock. All sums collected as examination fees shall be paid by the Commissioner of Insurance and Banking directly into the State Treasury, to the credit of the General Revenue fund. Payments for salaries and expenses of examinations and for expense of the Commissioner of Insurance and Banking in enforcing this act shall be made upon the certificate of the Commissioner of Insurance and Banking by warrant on the Comptroller upon the State Treasurer.

"The result of each examination shall be certified by the examiner upon the record of the corporation examined and the report of all examinations made during each year shall be embodied in an annual report pertaining to banking matters, to be made by the Commissioner of Insurance and Banking to the Governor. The result of all such examinations shall be reported semi-annually to the Comptroller."

Sec. 23. Section 44 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Section 44. The Commissioner of Insurance and Banking shall from time to time appoint such number of State Bank Examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners, each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly, under oath, by each examiner, and shall be approved by the Commissioner.

Sec. 24. No State bank shall make any loan or discount on the security of the shares of its own capital stock, or be the purchaser or holder of any such shares, unless such security or purchaser shall be necessary to prevent a loss upon a debt previously contracted in good

faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or, in default thereof, such State bank shall be considered to have its capital stock impaired to the extent of the par value of such shares.

Sec. 25. No State bank shall, at any time, be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses, or otherwise, except on account of demands of the nature following: (1) Money deposited with or collected by such State bank; (2) bills of exchange or drafts drawn against money actually on deposit to the credit of such State bank, or due thereto; (3) liabilities to the stockholders of such State bank on account of the stock held by them and for dividends and undivided profits.

Sec. 26. It shall be unlawful for any such bank to hypothecate or pledge as collateral security for money borrowed upon bills payable or certificates of deposit, or otherwise, its securities to an amount more than 50 per cent greater than the amount borrowed thereon; or for any State bank to issue or execute any bills or other evidence of indebtedness, secured or to be secured, by the pledge or hypothecation of any of its securities, which shall not contain a provision that in the event such State bank shall, for any cause, have its property and business taken possession of by the Commissioner, at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after the date of such taking possession, shall be allowed, in which such bank or Commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness.

Sec. 27. After this act shall take effect, it shall be unlawful for any State bank to make a loan, secured by the stock of any other banking corporation, if by the making of such loan the total of stock of such other banking corporation held by it as collateral, will exceed in the aggregate 10 per cent of the capital stock of such other banking corporation, unless the taking of a greater percentage of such capital stock as collateral shall be necessary to prevent loss upon a debt previously contracted, in good faith, and any such excess so

taken as collateral, or owned by such State bank, shall not be held as collateral or owned by it for a longer period than six months.

Sec. 28. After this act shall take effect, no State bank shall make a loan upon real estate security, directly or indirectly, which shall not be due and payable within three years from the date upon which such loan is made, or a loan upon other than real estate security which shall not be due and payable not more than one year from the date upon which such loan is made.

Sec. 29. Each director of a State bank, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation, and will not knowingly violate, or wilfully permit to be violated, any of the provisions of the law applicable to such State bank; and that he is the owner in good faith, and in his own right, of the number of shares of stock required by law, subscribed by him or standing in his name on the books of the corporation, and that the same is not hypothecated, or in any way pledged as security for any loan or debt, and, in case of re-election or reappointment, that such stock was not hypothecated, or in any way pledged as security for any loan or debt during his previous term. Such oath shall be subscribed by the director making it, and certified by the officer before whom it is taken, and shall be immediately transmitted to the Commissioner and filed and preserved in his office.

Sec. 30. The directors of every State bank shall hold a regular meeting once in each month at which it shall be the duty of the cashier, or some other officer designated for that purpose by resolution of the board of directors, duly recorded in its minutes, to prepare and submit to each director a written statement of all purchases and sales of securities, and of every discount and loan exclusive of discounts, and loans of less amounts than \$1000, if the capital stock of such State bank be \$100,000 or more, and exclusive of discounts and loans of less than 1 per cent of its capital stock, if it be less than \$100,000, made since the last regular meeting of the board, describing the collateral to the loans so made, as of the date of the meeting at which such statement is submitted. Such statement shall also contain a list giving the aggregate of loans and discounts to each individual, firm, corporation or association, whose liability to such bank has been increased since the last regular meeting of the board, \$1000

or more, if such State bank has a capital of \$100,000 or more, and 1 per cent of its capital stock, if the same be less than \$100,000, together with a description of the collateral to such loans held by such corporation at the date of the meeting at which such statement is submitted. A copy of such statement shall be immediately mailed to each director not present at such meeting, whether or not a quorum of such directors shall attend, and a copy thereof, together with a list of the directors present at such meeting and of those to whom such statements were mailed, verified by the affidavit of the officer or officers charged with the duty of preparing such statement, shall be filed with the records of such State bank within one day after such meeting, and be presumptive evidence of the matters therein stated.

Sec. 31. It shall be lawful for any State bank within the provisions of this act to use the following on its stationery and in its advertisements: "Non-interest-bearing and unsecured deposits guaranteed by the State bank guaranty fund of the State of Texas."

Sec. 31a. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as hereafter to read as follows:

"Sec. 50. No bank and no bank or trust company or any member of either, shall, during the time it shall continue in banking or banking and trust operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by a bank or bank and trust company while it continues its banking or banking and trust operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any association, on which interest is past due and unpaid for a period of six months, unless the same are well secured and in process of collection, shall be considered bad debts within the meaning of this section.

The board of directors of any bank or trust company organized under this act may declare a semi-annual or quarterly dividend, if such dividend has been earned, provided the corporation be fully solvent without such earnings proposed to be divided. But they shall not declare a dividend at any time when the capital of such corporation shall have

become impaired to such an extent that it is not worth in good resources the full amount paid in after the payment of all liabilities, and any officer or director of such corporation who shall assent to declaring and paying dividends where the capital stock is so impaired, shall be personally liable to the creditors of the corporation to the amount of his proportion of the proposed dividend, if any loss occur by reason of the payment of such dividend."

Sec. 32. Section 53 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Sec. 53. No incorporated bank, nor trust company organized under this act shall loan its money to any individual, corporation or company, directly or indirectly, or permit any individual, corporation or company to become at any time indebted or liable to it in a sum exceeding 25 per cent of its capital stock, or permit a line of loans or credits to any greater amount to any individual, corporation or company, a permanent surplus, the setting apart of which shall have been certified to the Commissioner of Insurance and Banking, may be taken and considered as a part of the capital stock for the purpose of this section; provided, such surplus is in amount not less than 50 per cent of the capital stock of said bank; provided, that the provisions of this section shall not be construed as in any wise to interfere with the rules and regulations of any clearing association in this State in reference to the daily balances between banks, and that this section shall not apply to balances due from correspondents subject to draft, and that the discounting of the following classes of paper shall not be included in the limitations placed upon loans or credits by this section, viz.:

"1. The discount of bills of exchange drawn in good faith against actual existing values.

"2. The discount of paper upon the collateral security of warehouse receipts, or other written instruments conveying a lien with the right to take immediate possession covering agricultural and manufactured products in store in elevators and warehouses, or conveniently deposited elsewhere under the following conditions:

"(a) That the actual market value of the property held in store and covered by such receipts, if other than cotton or cotton seed products, shall at all times exceed, by at least 25 per cent, the amount loaned upon the same,

and if it be cotton or cotton seed products, it shall at least equal 90 per centum of the amount loaned upon the same.

"(b) That the full amount of the loans shall at all times be covered by policies of fire insurance issued by companies admitted to do business in this State to the extent of their ability to cover such loans, and then by companies having sufficient paid up capital to be so admitted, and all such policies shall be made payable in case of loss to the bank or holder of such warehouse receipts or other instruments."

Sec. 33. The Commissioner of Insurance and Banking shall have the power from time to time to make such changes in the form of the statements required of each banking corporation as he may deem advisable.

Sec. 34. It shall be unlawful for any State bank or any of its officers, directors, or stockholders, or any one for such bank or for any of its officers, directors, or stockholders, to write, print, publish or advertise in any manner or by any means, or to permit any one for them, or for said bank to so write, print, publish or advertise that the noninterest-bearing and unsecured deposits of such bank are guaranteed other than by the State bank guaranty fund of the State of Texas.

Anyone violating the provisions of this section of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, or by confinement in the county jail of not less than three (3) months, nor more than twelve (12) months, or by both such fine and imprisonment.

Sec. 35. Every president, director, cashier, teller, clerk or agent of any State bank who embezzles, abstracts, or wilfully misapplies any of the moneys, funds or credits of such State bank, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree; or who makes any false entry in any book, report or statement of such State bank, with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual, person, firm or association, or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs

of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of a felony, and shall, upon conviction, be imprisoned in the State penitentiary for a term not less than five years, nor more than ten years.

Sec. 36. Any director of a State bank who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a majority of the directors of the bank first having been obtained and made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of any such State bank who shall knowingly loan or assent to the loaning of any of its funds to any officer or to any director in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years.

Sec. 37. Any officer, director or other agent or employe of any State bank, who knowingly and wilfully does any act as such officer, director, agent or employe, which is expressly forbidden by law, or wilfully or knowingly omits to perform any duty imposed upon him by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than one thousand (\$1000) dollars, or by imprisonment in the county jail for not less than three, nor more twelve months, or by both such fine and imprisonment.

Sec. 38. Any officer or director of a State bank, who concurs in any vote or act of the directors of such State bank, or any of them, by which it is intended to make a loan or discount to any director of such State bank, or upon paper, upon which any such director is liable, or responsible to any amount exceeding the amount allowed by law; or

any director, officer or employe of any State bank who makes or maintains or attempts to make or maintain a deposit of such State bank's funds with any other bank or banking corporation on condition, or with the understanding, expressed or implied, with the bank or banking corporation receiving such deposit makes a loan or advance, directly or indirectly, to any director, officer or employe of the corporation so making, or attempting to make or maintain deposit, or any officer, or employe of any State bank who intentionally conceals from its directors any discounts or loans made by it between the regular meetings of its board of directors, or the purchase of any securities or the sale of any of its securities during the same period, or knowingly fails to report to its board of directors, when required to do so by law, all discounts or loans made by it, and all securities purchased or sold by it between the regular meetings of its board of directors, or any officer, director or employe of any State bank who shall wilfully and knowingly make any loan or discount for such State bank, at any time when the reserve of such bank required by law to be maintained by it shall be less than 25 per cent of its demand deposits, and until it shall, by collections, restore its lawful reserve, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1000, or by imprisonment in the county jail for not less than three, nor more than twelve months, or by both such fine and imprisonment.

Sec. 39. Any State bank examiner, or special agent, who shall, knowingly and intentionally fail or refuse to notify the Commissioner of Insurance and Banking in writing of any violation of the criminal provision of this act or of any provision of the Penal Code of this State, within ten days after the same shall come to his notice or attention, unless such notice shall, within his knowledge, have been previously given by some other bank examiner or special agent, or any Commissioner of Insurance and Banking who shall knowingly and intentionally fail or refuse to notify in writing the county or district attorney charged by law with the duty of the prosecution thereof, of any such violation within ten days after the same shall come to his knowledge or attention, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred nor more than five hundred

dollars, or by imprisonment in the county jail not less than three nor more than twelve months, or by both such fine and imprisonment, and upon conviction shall be removed from office.

Sec. 40. Any officer, clerk or agent of any State bank who shall willfully certify to any check or checks before the amount thereof shall have been regularly entered to the credit of the drawer, upon the books of such State bank, shall be guilty of a felony, and upon such conviction thereof, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment in the State penitentiary for not more than one year, or by both such fine and imprisonment.

Sec. 41. Any State bank or banking and trust company, incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the word "savings" as part of its corporate name, or in or as a part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be so filed by banks or banking and trust companies maintaining savings departments and using the word "savings" as above provided at the time this act shall take effect, and which desire to continue to do so within ninety days from the time this act shall take effect, and to be filed by banks desiring to establish such savings departments after this act shall take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which, having such departments or so using the word "savings" at the time this act shall take effect, shall continue to maintain such departments or to so use the word "savings" more than ninety days thereafter, shall keep the business of such department entirely sep-

arate and distinct from the general business of the bank or banking and trust company, and shall keep all moneys received as such savings deposits, and the funds and securities in which the same may be invested at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities and not otherwise, to-wit:

1. In bonds or interest-bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may be hereafter organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investment.

3. In bonds of the State of Texas or of any State in the Union that has not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

5. In bonds or notes secured by first mortgage, deed of trust, or other valid first lien or unincumbered improved real estate to run for a term not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this State, certifying said bonds or notes to be a first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above prescribed and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipts, any of

the securities may be sold or taken up and replaced in cash by the bank or banking and trust company out of its general fund and there shall be kept on hand at all times not less than fifteen per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposit, as provided for in this section at the option of the bank or banking and trust company. In case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section its savings depositors and the remainder after they have been paid in full, shall be applied in payment of claims of general creditors. It shall be the duty of the president or vice-president and the cashier of each State bank or banking and trust company maintaining a savings department under the provisions of this section to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month, a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits, when the last preceding monthly statement, as herein provided for, is not conspicuously posted in the office or from where its business is transacted.

The directors of any bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on its savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are sufficient to pay any interest due upon any savings deposit such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock it shall be proper to transfer to the general funds of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due and

accrued on savings deposits and the legitimate expenses of such departments have been provided for. In computing the aggregate amount of the average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided in Section 17 of this act, the deposits of its savings department, as provided in this section shall not be included. All such savings departments shall be governed by the terms and provisions of this act so far as same are applicable and are not in conflict with the special provisions of this section, and shall also be governed by such provisions of this section, and shall also be governed by such provisions of the laws of this State applicable to savings banks as are not in conflict with any provision of this act, or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors at any regular meeting or by the stockholders at any annual meeting, provided that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any officer or director of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use or continue to use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept directly or indirectly, any commission, brokerage, or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any securities or other investment, or wilfully and knowingly do or perform any act or transaction, by or as a result of which at any time, the assets of such savings department, including cash, shall not

at least equal in amount the deposits in such savings department, at least fifteen per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section shall be deemed guilty of a felony, and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

Sec. 41b. Neither the Commissioner of Insurance and Banking or any regularly appointed clerks or employees of the Department of Insurance and Banking, or any State bank examiner, shall at any time during his incumbency be financially interested directly or indirectly in any State bank or banking and trust company, subject to the supervision of the Department of Insurance and Banking, or knowingly be or become indebted, either directly or indirectly, to any such State bank or banking and trust company.

Any officer or employee named in this section violating its provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500, and the venue in such case shall be in the county wherein such State bank or banking and trust company is located. The violation of the provisions of this section shall work a forfeiture of the office or position held by the person guilty of such violation.

Sec. 42. Any national bank in this State, approved by the Commissioner, may voluntarily avail its depositors of the protection of the State bank guaranty fund, by application to the State Banking Board, in writing, and the said application may be sustained upon terms and conditions in harmony with the purpose of this act, to be agreed upon by the State Banking Board, the Commissioner and the Comptroller of the Currency of the United States; provided, that in the event national banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the deposits in national banks in this State should be guaranteed by virtue of Federal laws, that the national banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks; however, should the courts

declare this section of the bill unconstitutional or unauthorized by law, or in conflict with any other section or provisions of this act, or with any existing banking laws of this State, then such decision shall affect only this section of the act.

Sec. 43. The fact that, if this act shall become a law, as much time as possible prior to the first day of January, 1910, will be necessary for the thorough and strict examination of all State banks, and other necessary preparation before that time, and the fact that there are now practically no criminal penalties provided for violating the provisions of the State banking laws, constitute an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 121, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, black-knot, or any tree, shrub or plant infested with or by the San Jose scale, white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employees to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated; and providing the manner of such treatment and destruction, and for certain investigations by the Commissioner of Agriculture; providing the manner of combating such diseases and pests, and preventing their spread and dissemination; providing for the inspection of orchards, nurseries, forest trees and greenhouse plants, and giving certificates to that effect; regulating alien individuals and alien nursery companies or corporations doing business in this State; regulating the importation of trees, shrubs, plants and all nursery stock from without the State, and regulating their transportation within the

State; forbidding the selling, consign-ment or shipping of nursery stock, cuttings, plants, shrubs, forest trees, evergreens, ornamentals and cut flowers without such certificate; providing for the fumigation of certain trees, shrubs and plants; defining a nursery and nursery stock; defining an agent for a nursery or nursery stock; defining a dealer in nursery stock; defining being in the nursery business; authorizing the Commissioner of Agriculture to adopt certain rules and regulations and to appoint a chief inspector of trees, shrubs and plants for this State, and prescribing and defining the qualifications of such chief inspector, and to employ other assistants, agents and experts and fixing their compensation; providing for fixing fees for inspection; fixing penalties for violation of any of the provisions of this act, and directing the disposal of the penalties collected under the provisions of this act; fixing the duties of city administrations, owner of parks and city residences, to obey rules and regulations of the Commissioner of Agriculture, and to co-operate with the Commissioner of Agriculture; providing that agents for nurseries shall have credentials and defining their duties; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Perkins, Willacy, Holsey, Paulus, Kellie, Murray, Cofer.

(Floor Report.)

Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 122, A bill to be entitled "An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad in Goliad county, and to provide for a board of trustees and other officers of such district, to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such districts for the purpose of purchasing school sites and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses

in the maintenance and support of the public schools therein, and to further prescribe the duties and authorities of said board of trustees, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Veale, Harper, Real, Bryan, Hume, Brachfield.

Committee Room.

Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 123, A bill to be entitled "An Act amending Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business, and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HUDSPETH, Chairman.

Committee Room.

Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

Committee Room.

Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 85, A bill to be entitled "An Act creating and incorporating the

Bronte Independent School District, in Coke county, Texas," etc.,

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 86, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District," etc.,

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 87, and find it correctly enrolled, and have this day, at 3 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to authorize any county or political subdivision, or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof; creating road districts, making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264, passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of

laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any county in this State, or any political subdivision or defined district now or hereafter to be described and defined, of a county is hereby authorized and empowered to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect such taxes to pay the interest upon such bonds and provide a sinking fund for the redemption thereof for the purposes of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof.

Sec. 2. Upon the petition of fifty or a majority of resident property taxpaying voters of any county or political subdivision or defined district of any county in this State, to the county commissioners court of such county, such court shall have the power, and it is hereby made its duty at any regular or special session thereof, to order an election to be held in such county, political subdivision or defined district thereof, to determine whether or not the bonds of such county or political subdivision or defined district thereof shall be issued in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district for the purpose of constructing, maintaining or operating of macadamized, graveled or paved roads and turnpikes, or in aid thereof; and at such election there shall also be submitted to such resident property taxpaying voters the question as to whether or not a tax shall be levied upon the property of said county, or political subdivision or defined district thereof, subject to taxation, for the purpose of paying the interest on said bonds and to provide a sinking fund for the redemption thereof, the amount of bonds proposed to be issued with rate of interest thereon and date of maturity shall be stated in the order ordering said election, and in the notice thereof.

Sec. 3. Notice of said election shall be given by publications in a newspaper published in the county for four successive weeks, and in addition thereto by posting notices at three public places

in the county, one of which shall be at the courthouse door for three weeks prior to said election, if said proposed issue of bonds and levy of taxes is for the entire county. If said proposed issue of bonds and levy of taxes is for any political subdivision, or defined district of the county notice of such election shall be given by publishing in a newspaper published in the political subdivision or defined district in which such bond issue is proposed, and if no newspaper is published in such political subdivision or defined district, then in some newspaper published in the county for four successive weeks, and by posting in at least three public places in such political subdivision or defined district of the county for three successive weeks prior to said election.

Sec. 4. The commissioners court of the county shall determine the time and place or places of holding such election; provided, no such election shall be held at any time less than thirty days from the time of making of the order ordering the election. The manner of holding said election shall be governed by the general laws of the State when not in conflict with the provisions of this act, and the returns of said election shall be made as now provided by law for making returns of elections held for the purpose of determining whether or not county bonds shall be issued.

Sec. 5. If, after the result of said election is known, it shall appear to the commissioners court of the county in which said election was held that two-thirds majority of the votes cast at such election were in favor of the issuance of bonds, it shall be the duty of said commissioners court, as soon thereafter as practicable, to issue said bonds on the faith and credit of said county, or of said political subdivision or defined district, now or hereafter to be described and defined within the State of Texas, and which may or may not include towns, villages or municipal corporations of the county, as the case may be, which said bonds shall run not less than twenty nor more than forty years with such option of redemption as may be fixed by the commissioners court, and said bonds shall bear not more than 5½ per cent interest per annum, and which bonds shall be examined by the Attorney General of Texas, and registered by the Comptroller of Public Accounts of Texas. Such bonds when so issued shall continue in the custody of and under the control of the commissioners court

of the county in which they were issued, and shall be by said court sold to the highest and best bidder for cash, either in whole or in parcels, at not less than their par value, and the purchase money therefor shall be placed in the county treasury of such county to the credit of the available road fund of such county, or of such political subdivision or defined district of such county, as the case may be. Such funds shall be paid out by the county treasurer upon warrants drawn on such funds issued by the county clerk of the county, countersigned by the county judge, upon certified accounts approved by the commissioners court of the county, when such funds belong to the entire county, and when such funds belong to a political subdivision or defined district of a county, such funds shall be paid out by the county treasurer upon warrants issued by the county clerk upon certified accounts of the road superintendent of such road district and approved by the commissioners court of the county. The general laws of Texas relative to county bonds, not in conflict herewith, shall apply to the issuance, approval, registration, sale and payment of the bonds herein provided for.

Sec. 6. Before said road bonds shall be put on the market the county commissioners court of the county in which such election was held shall levy a tax sufficient to pay the interest on such bonds, and to produce a sinking fund sufficient to pay the bonds at maturity, and providing further that said tax herein authorized shall be assessed and collected in the same manner as now provided by law for the assessment and collection of other road taxes, if for a whole county, and if for a political subdivision, or other defined districts of a county, then it shall be assessed and collected as is now provided by law for the assessment and collection of common school district special local taxes. And it is hereby made the duty of such commissioners court to levy such tax; and it is hereby made the duty of the tax collector and assessor of such county wherein such taxes have been levied to assess and collect the same in the same manner, and at the same time as other taxes. And said taxes when so collected by such collector shall be by him paid over to the county treasurer of such county as and when other taxes are paid to the county treasurer. And the county treasurer of said county shall be custodian of all

funds collected by virtue of this law, and shall deposit the same with the county depository as county funds, and he shall pay the interest and principal, as it becomes due on such bonds, out of the funds so collected, in the same manner as the law directs in case of county courthouse bond funds.

Sec. 7. For the purpose of operating and being known under the provisions of this act, each political subdivision or defined district now or hereafter to be described and defined for the employment of this act in any county in this State shall be known as "Road District No. of County, Texas," and the bonds herein provided for in such political subdivision or defined district in any county shall be known as "Road Bonds of Road District No. of County, Texas," being definitely numbered and bearing the name of the county in which it is located. Provided, this section shall apply only to districts composing less than a county, and shall not apply to bonds issued hereunder by a whole county, which county bonds shall be known as ".....County Special Road Bonds," taking the name of the county issuing same.

For the purpose of this act any political subdivision of a county or defined district, now or hereafter to be described and defined, accepting the provisions of this act by voting such tax, is hereby made and created a body corporate, which may sue and be sued in like manner as counties, provided no road district created under the provisions hereof shall ever be held liable for torts.

The county commissioner in whose commissioner's precinct such political subdivision or defined district now or hereafter to be described and defined is located, shall be ex-officio road superintendent of said road district, with power to contract for and in behalf of such road district; provided, such contract shall not exceed the sum of \$50, which shall be approved by the commissioners court, and all contracts exceeding the sum of \$50 shall be awarded by the entire court, which contract shall be binding on said county, political subdivision or defined district when work is done by contract in any county, political subdivision or defined district bids shall be invited by publishing an advertisement in a newspaper or newspapers published in such county, and in a paper or papers outside the county when the commissioners court may deem it advisable to

do so, and the contract shall be awarded to the lowest and best bidder; provided, however, that the commissioners court shall have the right to reject any and all bids.

Sec. 8. Laws heretofore enacted and known as Senate bill No. 264, which was passed at the Regular Session of the Thirty-first Legislature and signed by the Governor on the 20th day of March, 1909, also House bill No. 727, passed by the Thirtieth Legislature, together with all other laws or parts of laws in conflict herewith, be and the same are hereby expressly repealed.

Sec. 9. Any county operating under a special road law may take advantage of any of the provisions of this act.

Sec. 10. The fact that there is no adequate law now on the statutes governing the issuance of bonds for road construction in political subdivision or defined districts of the various counties of the State constitutes an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 23, and find it correctly enrolled, and have this day, at 3 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:
An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin and public roads adjacent thereto, and to secure from the

owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands: to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a board to consist of the Governor, the Attorney General and Comptroller of Public Accounts is hereby created, to be known and designated as Water and Light Board, of which the Governor shall be chairman and a majority of said board will constitute a quorum for the transaction of business, and said board is hereby authorized to provide a system of water works, electric light and power for the purpose of supplying with power, light and water the State Capitol, the General Land Office, the Governor's Mansion, State University, and the various public institutions of the State of Texas in the city of Austin, and adjacent thereto; provided, said board shall have authority to confer with the water and light corporation heretofore and now furnishing water and light for the several State institutions in the city of Austin and adjacent thereto, with a view to making a contract for water and light for a period of not less than two nor more than four years, and if a contract satisfactory to said board can be made with such corporation for water and lights for said period at a rate satisfactory to said board, then such contract shall be made and no new plant constructed.

Sec. 2. Said board shall have authority to employ a competent engineer or engineers to prepare plans and specifications for said plant or plants, but before any contract is made for said plant, the said board shall advertise for bids therefor for thirty days in some daily newspaper published in the city of Austin, and the contract shall be awarded the lowest and best bidder; provided, that the board shall have the right to reject any and all bids, and the contractor or the person or corporation to whom such contract is awarded shall execute a bond with good and sufficient surety or sureties in the amount of his said bid, payable at the city of Austin, conditioned that the said contractor shall perform his contract according to the said plans and specifications and according to the terms of his said contract and to the satisfaction of said board. That said board shall have authority to make all such rules and reg-

ulations and orders as it may deem necessary and proper in the matter of said plans and specifications and the advertisement for said bids and in making of said contract and the performance thereof, not inconsistent with the provisions of this act.

Sec. 3. Said board is hereby authorized to employ such agents and assistants as may be deemed by them necessary to carry out the purpose of this act, in establishing and putting into operation the said water, light and power system and to pay them for their services such compensation as may be agreed upon, out of the appropriation hereinafter made.

Sec. 4. Said board is hereby fully authorized to lay such mains and pipes and erect poles and place wires as may be necessary to supply and convey water, light and power to the various public institutions and buildings herein referred to across and along the streets and public alleys of the city of Austin and other public highways in said city and adjacent thereto in such manner as not to obstruct the same or to interfere with the use of the same for public travel, except such obstruction and interference with public travel as may be reasonably necessary while engaged in putting down such mains and pipes and erecting such poles and placing such wires and for necessary repairs and replacements thereof; and also through and across any public grounds belonging to the State; and should it be necessary to lay such mains and pipes and erect such poles and place wires across any private lands, said board is hereby authorized to obtain and secure from the owners thereof the right of such use, for such compensation as may be agreed upon; and should said board not be able to secure from such owner or owners of private lands the use and privileges aforesaid or to agree with them as to the compensation, then they are hereby fully authorized and empowered to condemn the same, by proceedings to be instituted by the Attorney General under the direction of the board in the manner and in accordance with the procedure hereinafter provided for. The board shall pay out of the appropriations hereinafter made, such amounts as may be agreed upon with the owner of such lands as aforesaid, and such awards as may be made in such condemnation proceedings, but the awards in such condemnation proceedings shall not be paid unless the same are satisfactory to the board, and the foregoing provisions of this section shall also apply to public highways if

it should become necessary to pay the owner of the fee of such highway for such use, or to condemn the same for the uses and purposes aforesaid; provided, that in event the awards, or any one of them, of such condemnation proceedings are found satisfactory to said board, no property thus condemned shall be taken or used by the State until the same is first paid for; and provided further, that all streets, alleys and other thoroughfares shall be left in as good condition as they were before such improvements were made.

Sec. 5. Should said board for any reason, fail or be unable to agree with the owner or owners of any land as to the price to be paid for the use thereof as hereinaforesaid, then they shall take steps to condemn the same in the name of the State of Texas, and in order to effect this purpose it shall be the duty of said board to cause to be stated in writing the real estate or property, the use of which is sought to be taken, the name of the owner or owners thereof and the residence of such owner, if known, and file such statements with the county clerk of Travis county. Upon the filing of the statement provided for in this section, it shall be the duty of the county judge of said county, in term or vacation, to appoint three disinterested freeholders and qualified voters of Travis county as special commissioners to assess the damage to accrue to the property by reason of such condemnation. The special commissioners, as appointed to assess such damages, shall, in the proceedings, be governed and controlled by the laws in force in reference to the condemnation of the right of way for railroad companies and the assessment and damages therefor, and the proceedings shall be in accordance with such laws, the State of Texas occupying the position of the railroad company, and all laws in reference to the application for the condemnation of right of way of railroad companies, including the measure of damages, the service, actual or constructive, on the property owner, the right of appeal, and the like, not consistent with the provisions of this act, shall apply to the application by the State in these proceedings; but it is specially provided that in the event in the condemnation proceedings the damages assessed for the use of any tract or parcel of land shall, in the discretion of the board herein provided for, be deemed excessive and greater than a reasonable and adequate compensation therefor, said board shall declare and refuse to pay the same, and in such event the State of Texas shall pay the

court costs of such proceedings and no further action shall be taken thereunder.

Sec. 6. When such water, light and power system shall have been completed and ready to be put in operation, the same shall be placed under the control and supervision of the Superintendent of Public Buildings and Grounds, who shall provide for the operation of the same and the supplying of water, light and power to the various public buildings and institutions hereinbefore referred to under the general supervision and control of the Water and Light Board.

Sec. 7. It is hereby appropriated out of any money in the public treasury not otherwise appropriated, the sum of two hundred and fifty thousand (\$250,000) dollars, or so much thereof as may be necessary for the purpose of carrying out the provisions of this act, and the Comptroller shall issue warrants payable out of the same upon the order of the Governor as chairman of said board, for all expenses incurred under this act; provided, that no water, light or power shall be supplied to any private buildings or grounds.

Sec. 8. The said board shall have the power, and it shall be their duty, to prescribe and adopt rules and regulations for the supplying of water, light and power to the various institutions of the State herein aforesaid, and for the enforcement of the same and to alter and amend the same from time to time, in such manner as the board may deem necessary or proper.

Sec. 9. That the act of the Twenty-ninth Legislature of Texas, First Called Session, approved May 1, 1905, and appearing on page 18 of the General Laws of the Twenty-eighth Legislature, and entitled "An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion and the various public institutions of the State of Texas in the city of Austin and adjacent thereto: to create a board with authority to purchase and place in operation the necessary property, machinery and plant for such purposes, and with authority to lay mains and pipes and to erect and place wires across and along the streets and alleys and public highways in the city of Austin and public roads adjacent thereto, and to secure from private owners, by purchase or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands: to provide for the operation of such plant; to

make an appropriation therefor, and to declare an emergency," be and the same is hereby repealed; provided, that all contracts or rights under contracts, actions, claims and demands, penalties and forfeitures, which have been made or accrued under the said act, approved May 1, 1903, shall be vested in and prosecuted by the said Water and Light Board, hereby created for and in behalf of the State of Texas and no contract or rights under contracts, actions, claims or demands, penalties or forfeitures, shall be affected by the passage of this act.

Sec. 10. The fact that the public institutions of the State located at the city of Austin, or adjacent, should be provided with an adequate supply of water and electric light and power, and that the construction and putting in operation or the purchase of an independent plant by the State of Texas, as provided for in this act, will result in an enormous saving to the State and supply such institutions with an adequate supply of water and electric lights and power as provided for by this act, creates an emergency and an imperative public necessity, requiring bills to be read on three several days, and that this act shall take immediate effect; said constitutional rule is therefore hereby suspended, and it is enacted that this act shall take effect from and after its passage.

Committee Room,

Austin, Texas, April 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 84, "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the corporations of towns and villages for free school purposes only, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 3 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

PETITIONS AND MEMORIALS.

By Senator Adams:

Dublin, Texas, April 7, 1909.

Senator Adams, Austin, Texas.

Erath County Union now in session, composed of forty-two locals, requests you to support House bill No. 1.

H. M. CORTNEY, Secretary.

By Senator Sturgeon:

Selfs, Texas, April 6, 1909.

To the Honorable State Senate of Texas
—Greetings.

House bill No. 1, known as the Cureton bill, having passed the lower house of our Legislature and yet pending before your honorable body, we, the undersigned members of Selfs Farmers' Educational and Co-Operative Union No. 4982 and citizens of Fannin county, Texas, do hereby petition your honorable body to vote for the Cureton bill without any amendment, that the said bill may become a law of this State.

Numerously signed.

By Senator Perkins:

Emory, Texas, April 6, 1909.

Hon. Tom W. Perkins, Austin, Texas.

Dear Sir: We, the undersigned citizens, request you to vote for the Senter-Hume bill, requiring each bank to make its own bond to guarantee its depositors.

Numerously signed.

Celeste, Texas, April 6, 1909.

Hon. Tom W. Perkins, Austin, Texas.

Dear Sir: I write to ask you to stand pat on the Senter-Hume bill for bank guarantee of deposits, as it will make every bank responsible only for its own business, and not force other banks to become responsible for something they know nothing about.

I circulated a petition some days back to the business men of our little town, and had Mr. Cheatham forward to you. I never had but one man to refuse to sign the petition, and he said he was not posted enough to pass judgment on the matter. I am sure if I had time I could get 500 names to a petition against the Cureton-Love bill, and in this immediate vicinity, for when you approach a farmer who is not prejudiced, and who is posted on the matter, I find he is opposed to it.

Very truly yours,
M. K. HARRELL.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, April 9, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Prayer by the Chaplain of the House, Rev. W. J. Joyce.

Pending the reading of the Journal of yesterday, on motion of Senator Peeler, the same was dispensed with.

There being no business under the head of regular order save and except petitions and memorials—which will be found in the appendix—the Chair declared the morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics and to establish a State Board of Health," with amendments.

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State, to be liable to employees for injuries received through the negligence of such employer, officer, agent or servant, or in case of death from such injury, to be liable to the surviving widow and children and mother and

father of the deceased; and if none, then of the next of kin dependent upon such employee; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States or in any way interfere with any proceeding now pending in any court, and declaring an emergency," with amendments.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 4, and the following has been appointed on part of the House: Messrs. Cureton, Mobley, Jennings, Robertson of Travis, and Rayburn.

Respectfully.

BOB BARKER,
Chief Clerk, House of Representatives.

HOUSE BILL NO. 11—FREE CONFERENCE COMMITTEE ON.

The Chair here announced the following Free Conference Committee on part of the Senate on House bill No. 11 (see yesterday's Journal, Second House Message, for request of): Senators Veale, Hudspeth, Mayfield, Murray and Harper.

SIMPLE RESOLUTION.

Senator Senter called up from the President's table the following simple resolution:

Whereas, The recent disastrous fires in Forth Worth and Dallas caused such loss and suffering as to call for the consideration of the Legislature under the provisions of Article 8, Section 10, of the Constitution, authorizing the release of the inhabitants of any county, city or town from taxation in case of great public calamity; therefore be it

Resolved, That the Governor is hereby requested, when he shall submit the appropriation bill for the consideration of the Legislature to also submit to the Legislature the question as to whether the occupants of homes, which were destroyed in said fires shall be released from taxation for such period as the

Legislature may deem just and expedient.

Senator Senter moved that the resolution be adopted, which motion prevailed by the following vote:

Yeas—16.

Adams.	Peeler.
Alexander.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Paulus.	Willacy.

Nays—9.

Brachfield.	Murray.
Cofer.	Sturgeon.
Greer.	Veale.
Harper.	Weinert.
Mayfield.	

Absent.

Bryan.	Ward.
Hume.	Watson.
Meachum.	

REASONS FOR VOTE.

We vote "nay" on this resolution for the reason that Section 10, Article 8 of the Constitution reads that the Legislature may relieve the inhabitants of a county, city or town, from the payment of taxes in cases of public calamity and does not give the power to relieve a part of the inhabitants. If this subject was submitted to the Legislature for action, the law passed by them would have to relieve the railroads as to their tax the same as the individual. Therefore, we do not think it proper to ask the Governor to submit a subject that it would be impossible for us to cast a vote for.

STURGEON,
COFER,
WEINERT,
BRACHFIELD,
VEALE.
MAYFIELD.

SENATE BILL NO. 24—HOUSE AMENDMENTS CONCURRED IN.

Senator Cofer called up

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State to be liable to employees for injuries received through the negligence

of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow, and children and mother and father of the deceased, and if none, then of the next of kin dependent upon such employees; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases, and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States, or in any way interfere with any proceeding now pending in any court, and declaring an emergency."

And moved that the Senate concur in the House amendments.

The motion to concur prevailed by the following vote:

Yeas—25.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Weinert.
Masterson.	

Nays—2.

Meachum.	Watson.
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Present—Not Voting.

Willacy.

Absent.

Real.	Ward.
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Following is the House amendments: Amend the bill by adding in line 25, page 2, of the Senate engrossed bill after the word "widow" the words "and children," and by striking out in line 26 the word "or" and insert in lieu thereof the word "and," and further amend by adding at the end of Section 1 of the Senate engrossed bill the following:

"Provided the amount recovered shall not be liable for the debts of deceased and shall be divided among the persons entitled to the benefit of the action, or such of them as shall be alive, in such

shares as the jury, or court trying the case without a jury, shall deem proper; and provided in case of the death of such employe the action may be brought without administration by all the parties entitled thereto, or by any one or more of them for the benefit of all, and if all parties be not before the court the action may proceed for the benefit of such of said parties as are before the court."

Amend caption, line 13, page 1, of Senate engrossed bill by inserting after the word "children" the words "or husband and children," and amend caption further by inserting after the word "party" in line 32, page 1, of Senate engrossed bill, the following:

"And exempting such recovery from the debts of the deceased and providing that the recovery shall be apportioned by the jury or court trying the case without a jury, among those entitled to recover; providing how and by whom said suit may be brought."

SENATE BILL NO. 8—FREE CONFERENCE COMMITTEE ON.

Senator Harper called up

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health,"

And moved that the Senate concur in the House amendments.

Senator Weinert moved, as a substitute, that the Senate refuse to concur in the House amendments and requested a Free Conference Committee.

The substitute motion was adopted.

Following is the Free Conference Committee on Senate bill No. 8: Senators Weinert, Alexander, Masterson, Hayter and Harper.

Following are the House amendments:

Section 1. That the Department of Public Health and Vital Statistics as now existing under the laws of this State is hereby abolished, and that there be created and established in its stead a State Board of Health, to be officially designated as Texas State Board of Health, which shall consist of seven members, who shall be legally qualified practicing physicians, who shall have had at least ten years experience in actual practice of medicine within the State of Texas, of good professional standing, and who shall be graduates of reputable medical colleges, to be appointed biennially by the Governor as

soon as practicable after the passage of this bill, and thereafter on or before the 10th day of March following his inauguration. One member of said board, who shall be appointed by the Governor, and confirmed by the Senate, shall be designated by the Governor as State Health Officer, and who shall be president and executive officer of the board. The members of said board shall hold their office for a term of two years, and until their successors shall be appointed and qualified, unless sooner removed for cause.

Sec. 2. The president of said board shall receive annually a salary of \$3000. The other six members of said board shall receive no salary, but each of said members shall be allowed for each and every day he shall be in attendance upon the meetings of the board the sum of \$10, including the time spent in transit, and 3 cents per mile going and coming for actual expenses to be paid on their vouchers when approved by the president of the board and the Governor by warrant drawn by the Comptroller against the general appropriation provided by law for that purpose; provided, that no mileage be allowed where free transportation is used or that no member shall receive more than \$500 annually.

Sec. 3. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall meet at Austin on the first Tuesday after appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the board, or as often and at such time and places as such meetings shall be deemed necessary by the board. Timely notice of such meetings shall be given to each member of the board by the president thereof. The board shall be convened on call of the president, or on demand of three members of said board, made in writing to the president. The office of said board shall be in the Capitol at Austin, and the said board shall be furnished with all necessary equipments and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other officers of the State are furnished, including suitable rooms for its offices and laboratories, necessary for the carrying on the work of the board, and to be provided in the Capitol building or other suitable buildings to be designated by the Governor.

Sec. 4. The president of the board shall at the first meeting of the board

appoint, with the approval of the Governor, the following:

(1) An Assistant State Health Officer, who shall be a legally qualified practitioner of medicine under the laws of the State of Texas, whose duty it shall be to assist the president of the board in a general supervision of the affairs in his office and in the enforcement of quarantine and sanitation throughout the State. Said Assistant State Health Officer shall receive an annual salary of \$2400.

(2) A Registrar of Vital Statistics, whose duty it shall be to correct, record, compile and tabulate the vital and mortuary statistics of the State as provided by law, and shall also be secretary of the board, and perform such other duties as may be directed by the president of the board, and he shall receive an annual salary of \$1800.

(3) A chemist and bacteriologist, who shall be learned in chemistry, pathology and bacteriology, and he shall receive a salary of \$1800 per annum. He shall make examination and analyses of such things and matters as may be submitted to him by the board, or the State Health Officer, and shall report results of such examinations in such manner and form as may be directed by the board.

(4) One stenographer and book-keeper combined at a salary of \$1200 per annum.

(5) One inspector at a salary of \$1800 per annum. It shall be the duty of such inspector to conduct such inspection as required by the board and the president of the board, and to assist in the enforcement of all sanitary and quarantine laws of the State, and to perform such other necessary services as may be prescribed for them by the president of the board.

Sec. 5. All members of the board, its officers and inspectors may accept free transportation from railroads and other public transportation companies.

Sec. 6. Members of the board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State. Upon presentation of such oath of office, together with the certificate of their appointments by the Governor, the Secretary of State shall issue commissions of them, which shall be evidence of their authority to act as members of said board.

Sec. 7. The president of said board shall execute bond in the sum of \$10,000,

payable to the Governor, with two or more good and sufficient sureties thereon, conditioned for the faithful performance of his official duties, to be approved by the Governor, and filed in the office of the Secretary of State.

Sec. 8. The president of the board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with authority to declare and enforce quarantine by and with the approval of the Governor, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

Sec. 9. There is hereby appropriated and set aside out of the general revenue of the State the sum of \$8000, or as much thereof as shall be necessary to pay salaries of the members and officers of the board, its inspectors, assistants and employes for the remainder of the current fiscal year after their tenure of office begins.

Sec. 10. The State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of this State. It shall make a study of the causes and prevention of infectious and contagious disease within the State and except as otherwise provided in this act shall have direction and control of all matters of quarantine regulations and enforcement and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State and to suppress same and prevent their spread.

Sec. 11. The Texas State Board of Health shall, as early as practicable after its organization, prepare a sanitary code, to be known as the "Sanitary Code for Texas," which shall provide for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic conditions within this State, and for the suppression and prevention of infectious and contagious diseases, and for the proper enforcement of quarantine, isolation and control of such diseases; provided, that said code shall not have the effect of law until it shall have been published, submitted to and adopted by the Legislature of Texas.

Sec. 12. It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State Health Officer, and whenever State Health Officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

Sec. 13. Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any sanitary or quarantine law of the State, and such member, officer or inspector may so arrest such offenders without warrant when the offense is committed within the presence or sight of such member, officer or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State rangers and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances or laws of the sanitary code for Texas as it may be adopted by said board, or for violation of any public health, sanitary or quarantine laws of the sanitary code for Texas as it may be adopted by said board, or for violation of any public health, sanitary or quarantine law of this State. It is hereby made the duty of such members, inspectors and officers of said board to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances and laws of the sanitary code for Texas when adopted, published and promulgated, as provided in this act, when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

Sec. 14. The members of the Board of Health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect and view all grounds, public buildings, factories, slaughter houses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants and

all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations and ordinances of the sanitary code for Texas after it has been adopted, or for the enforcement of any and all health laws, sanitary laws or quarantine regulations of this State.

Sec. 15. Be it further enacted that the office of county physician shall be abolished within the several organized counties of this State, and that instead the office of county health officer is hereby created in each organized county within this State.

Sec. 16. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

Sec. 17. It is hereby made the duty of the county judge of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years and until his successor shall be appointed and qualify, unless sooner removed for cause. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Texas State Board of Health, and until such copies are so filed said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners court.

Sec. 18. The office of city physician for the several incorporated cities and towns within this State is hereby abolished, and instead created the office of city health officer.

Sec. 19. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

Sec. 20. It is hereby made the duty of the mayor of each incorporated city and town within this State to nominate a qualified person for the office of city health officer to be confirmed by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city health physicians, in which event the office of city health officer shall be filled as is now filled by the city physician, but in no instance shall the office of city health officer be abolished.

The city health officer, after appointment, shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

Sec. 21. In case the authorities hereinbefore mentioned shall fail, neglect or refuse to fill the office of county health officer as in this act provided, then the Texas State Board of Health shall have the power to mandamus such authorities in a court of competent jurisdiction to compel the appointment of such officer, first having given ten days' notice in writing to such authority of the desire for such appointment.

Sec. 22. Each county health officer shall perform such duties as has heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine and other such duties as may be lawfully required of the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians, and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish, maintain and enforce quarantine within his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease, prevention and suppression, vital and mortuary statistics and general sanitation within his county, and he shall at all times report to the State Board of Health in such manner and form as it shall prescribe the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and he shall make such other and further reports in such manner and form and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of its proper rules, regulations, requirements and ordinances and in the enforcement of all

sanitary law and quarantine regulations within his jurisdiction.

Sec. 23. In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State Board of Health.

Sec. 24. In the event any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this act, the State Board of Health shall file charges with the commissioners court for the proper county specifying wherein such officer has failed in the discharge of his duties. After ten days' notice in writing to said county health officer the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented.

Sec. 25. The State Board of Health shall not be required to give bond for cost of appeal in any action it may bring in any court of this State.

Sec. 26. Each city health officer shall perform such duties as may now be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and the president thereof. He shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease, prevention and suppression and sanitation within his jurisdiction. He shall at all times report to the State Board of Health in such manner and form as shall be prescribed by said Board of Health the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and

further reports in such manner and form and at such times as said State Board of Health shall direct touching all such matters as may be proper for the State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection, and perform such other duties as said State Board of Health shall direct.

In all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said Board of Health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office and shall subject said city health officer to removal from office at the relation to the State Board of Health.

In the event of a failure or refusal of said city health officer to properly discharge his duties of his office the State Board of Health shall file charges against said city health officer with the council or city commission of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties. After ten days' notice in writing to said city health officer the charges shall be heard before the mayor and council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be represented.

Sec. 27. The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State.

Sec. 28. There shall be an annual conference of county health officers and city health officers of this State, at such time and place as the State Board of Health shall designate, at which conference the president or some member of the said State Board of Health shall preside. The several counties, towns and cities may provide for and pay the necessary expense of its county health officer or city health officer for attendance upon said conference.

Sec. 29. In all matters wherein the Board of Health shall invoke the assistance of the courts, the action shall run in the name of the State of Texas, and the Attorney General shall assign a special assistant to attend to all legal mat-

ters of the board, and upon demand of the board it shall be the duty of the Attorney General to promptly furnish the necessary assistance to the board to attend to all its legal requirements. The county attorney shall assist in all prosecutions wherein the Texas State Board of Health shall be the complainant.

Sec. 30. This act shall be cumulative of all other laws heretofore passed, and shall only repeal such parts of said laws as are in direct conflict with the provisions of this act.

Sec. 31. The fact that there is now no uniform and efficient law for the suppression and prevention of disease within this State, other than that of foreign origin, and no effective system for preserving, tabulating and utilizing the vital and mortuary statistics of the State and for the appointment of local health officers, creates an emergency and imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(1)

Amend the amendment by adding to Section 11 the following:

"Providing, however, that the State Board of Health may publish, promulgate and enforce (without legislative adoption) such rules and regulations as it may deem necessary on the following subjects:

"First. In the management of quarantine and disinfection with respect to all contagious, infectious diseases and exposures; and in the government of quarantine and disinfection of all pestilential diseases such as bubonic plague, Asiatic cholera, leprosy, typhus, and yellow fever.

"Second. Regulating the proper sanitary disposition of sewerage, garbage, and offal; and the proper drainage of unsanitary premises.

"Third. Covering the manner and method of collecting and reporting all vital and mortuary statistics, including reports of births and deaths, designating to whom such report shall be made and the form of same.

"Any person who shall violate any of the rules and regulations when made and published by the State Board of Health upon the subjects mentioned in this section shall be deemed guilty of a misdemeanor and upon conviction shall

be fined in any sum not less than \$5 and not more than \$200."

Amend Section 11 by adding immediately after the word "isolation," in line 38: "Provided the State Board of Health shall not make any rule or regulation for the removal of any person from his home without the consent of such person, or without the consent of the parent or guardian of such person if he be a minor, unless such person is afflicted with an incurable contagious or infectious disease such as leprosy, etc., and is endangering the health of the community."

Amend the amendment to Senate bill No. 8 by adding the following after the word "health" in line 38, Section 23, page 6, "no county health officer shall be removed from office except by trial as provided by Section 24."

Amend the amendment to Senate bill No. 8 by adding the following after the word "health" in line 39, Section 26, page 7, "no city health officer shall be removed from office except by trial as hereinafter provided in this section."

Amend Section 5 by striking out the section.

"A bill to be entitled 'An Act to abolish the present Department of Public Health and Vital Statistics; to create a Texas Board of Health; to provide for the appointment and organization of said board and the names of its officers; to provide for the designation by the Governor of one member of said board as State Health Officer; to provide for the operation and maintenance of the State quarantine service; to define the qualifications of members, officers and employes of the State Board of Health; to fix their salaries, and to provide for the office quarters and appliances of said board; to confer general powers on said board for the purpose of improving the sanitary conditions of all places in this State; to provide for a sanitary code to be submitted to the next Legislature by said board, which code shall be known as the "Sanitary Code for Texas"; giving the State Board of Health the right to make certain rules, and providing a penalty for the violation of such rules; providing for taking the testimony of witnesses in cases of quarantine; making the members and employes of said board peace officers with power to enforce all health and sanitary laws of the State of Texas; to define the duties of all peace officers in this State in regard to the enforcement of the State health and sanitary laws;

to abolish the office of city physician in all the incorporated cities and towns within the State of Texas; to abolish the office of county physician in all counties in this State; to create the office of city health officer in all incorporated cities and towns; to create the offices of county health officer in all counties; to provide for the selection and pay of said city health officers and county health officers; to prescribe the duties of city health officers and county health officers; to provide for the trial and removal of city health officers and county health officers; providing for annual conferences of county health officers and city health officers; making an appropriation for the payment of the salaries and expenses of the members, officers and employes of said board; making this law cumulative of all other laws and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Amend Substitute House bill No. 4, page 1, Section 2, line 21, by striking out "\$3000" and inserting in lieu thereof "\$2500."

RECESS.

Senator Veale moved that the Senate recess until 3 o'clock today, which motion was adopted by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	

Nays—10.

Brachfield.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Ward.
Meachum.	Willacy.

Absent.

Real.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

REQUEST FOR SPECIAL COMMITTEE.

The Chair had the following read to the Senate:

San Antonio, Texas, April 8, 1909.

Hon. A. B. Davidson, Austin, Texas.

Dear Sir: I was recently elected Superintendent of the Southwestern Insane Asylum. I find there is much to do here in the way of urgent repairs and improvements. I request that you have a sub-committee from the Senate Appropriation Committee to come down here without delay, so that I can show them. I understand that the present Legislature will make more provision for the insane, and possibly at this Institution. I can approximate the cost for about 550 patients. Having drawings made, etc.

It appears to me that it would be good business policy for this committee to come, as I do not care to ask for appropriations and have them cut out or trimmed down.

Cannot give efficient management without money to do it.

Yours truly,
J. R. NICHOLS, Supt.

HOUSE BILL NO. 121.

(On motion of Senator Kellie, the pending order of business (Simple Resolution by Senators Holsey and Meachum) was suspended, and the Senate took up, out of its order, House bill No. 121, by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Sturgeon.
Hayter.	Terrell of Rowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Cofe.	Senter.
Harper.	Stokes.
Mayfield.	

The Chair laid before the Senate, on second reading,

House bill No. 121, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, black knot, or any tree, shrub or plant infested with or by the San Jose scale, white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employees to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated; and providing the manner of such treatment and destruction, and for certain investigations by the Commissioner of Agriculture; providing the manner of combating such diseases and pests, and preventing their spread and dissemination; providing for the inspection of orchards, nurseries, forest trees and greenhouse plants, and giving certificates to that effect; regulating alien individuals and alien nursery companies or corporations doing business in this State; regulating the importation of trees, shrubs, plants and all nursery stock from without the State, and regulating their transportation within the State; forbidding the selling, consignment or shipping of nursery stock, cuttings, plants, shrubs, forest trees, evergreens, ornamentals and cut flowers without such certificate; providing for the fumigation of certain trees, shrubs and plants; defining a nursery and nursery stock; defining an agent for a nursery or nursery stock; defining a dealer in nursery stock; defining being in the nursery business; authorizing the Commissioner of Agriculture to adopt certain rules and regulations and to appoint a chief inspector of trees, shrubs and plants for this State, and prescribing and defining the qualifications of such chief inspector, and to employ other assistants, agents and experts and fixing their compensation; providing for fixing fees for inspection; fixing penalties for violation of any of the provisions of this act, and directing the disposal of the penalties collected under the provisions of this act; fixing the duties of city administrations, owners of parks and city residences, to obey rules and regulations of the Commissioner of Agriculture, and to co-operate with the Commissioner of Agriculture; providing that agents for nurseries shall have credentials and defining their duties; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Kellie, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Alexander.	Masterson.
Cofer.	Mayfield.
Harper.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Paulus.	Willacy.

Absent.

Alexander.	Mayfield.
Cofer.	Murray.
Harper.	Stokes.
Masterson.	Weinert.

Senator Kellie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senators Holsey and Meachum:

Whereas, The citizenship of Texas, by telegrams and petitions, are evidencing

great interest in the pending proposed legislation with respect to the guaranty of deposits; and,

Whereas, We, the Senate of Texas, are at all times desirous of knowing the sentiment of the people of this State upon proposed legislation of importance; therefore, be it

Resolved by the Senate, That we hereby express to the public generally, including the Farmers' Union and labor unions, the merchants, mechanics, laborers, lawyers, bankers and all other worthy citizens, our appreciation of the interest they have manifested in pending legislation. We realize that the safety and perpetuity of our government rests upon the patriotism and wisdom of the great masses of the people, and we rejoice that our people generally, without respect to classes and distinctions, are taking an interest in the public affairs of our great State, which tends to insure to our children, and our children's children, the blessings of liberty and free government—incomparable privileges which cannot perish so long as our people interest themselves in the affairs of State.

Senator Hume offered the following amendment to the resolution:

Amend the resolution by adding thereto the following: "The thanks of the Senate is extended also to all those who have given us no thought, but have tacitly assumed that the Senate has been, and is trying to do the right thing by the State, and all the people, men, women and children."

Senator Holsey moved to table the amendment, which motion to table was lost.

The amendment was adopted.

The resolution was then adopted, as amended.

SENATE BILL NO. 56.

The Chair laid before the Senate, as pending business,

Senate bill No. 56, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."

On motion of Senator Senter, the bill was laid on the table subject to call.

HOUSE BILL NO. 17—CONFERENCE
COMMITTEE REPORT ON.

By Senator Meachum:

Austin, Texas, April 9, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed on

House bill No. 17, A bill to be entitled "An Act to amend Article 1407, Chapter 19, Title 30 of the Revised Civil Statutes of Texas, 1895, as amended by the Twenty-fifth Legislature of the State of Texas, relative to appeal bond on any appeal or writ of error, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate and House of Representatives with the recommendation that it do pass without the Senate amendment, and as originally passed in the House: the Senate receding from its amendment.

WILLACY,
MEACHUM,
COFER,
ALEXANDER,
WARD,

On the part of the Senate.

O'BRYAN,
STANDIFER,
FULLER,
McLAIN,
TERRELL of Bexar,

On the part of the House.

The above report was read and adopted by the following vote:

Yeas—22.

Adams.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Seater.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Willacy.

Absent.

Alexander.	Stokes.
Cofer.	Masterson.
Harper.	Mayfield.
Hayter.	Weinert.

SENATE BILL NO. 70.

The Chair laid before the Senate, on second reading,

Senate bill No. 70, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station to be located in the Twenty-fourth Senatorial District, composed of Bexar, Kendall, Kerr, Bandera and Gillespie counties, and making the necessary appropriation therefor, and declaring an emergency."

On motion of Senator Real, the bill was laid on the table subject to call.

SENATE BILL NO. 71.

The Chair laid before the Senate, on second reading,

Senate bill No. 71, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Seventeenth Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

On motion of Senator Sturgeon, the bill was laid on the table subject to call.

SENATE BILL NO. 14.

The Chair laid before the Senate, on second reading,

Senate bill No. 14, A bill to be entitled "An Act to amend Chapter 5, Title 51 of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians, and declaring an emergency."

On motion of Senator Alexander, the bill was laid on the table subject to call.

The Senate was here at ease for thirty minutes.

The Senate was called to order by Lieutenant Governor Davidson.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 55, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter

86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption of):

House bill No. 55, referred to Committee on Insurance, Statistics and History.

SENATE BILL NO. 17.

The Chair laid before the Senate, on second reading,

Senate bill No. 17, A bill to be entitled "An Act to amend Article 1544 and 1546 of Chapter 2, Title 32 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith."

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 3, "An Act to amend Article 520n of the Penal Code of Texas, adopted at the Regular Session of the Twenty-fourth Legislature of the State of Texas; Article 529h of Chapter 98 of the Acts of the Regular Session of the Twenty-fifth Legislature of Texas; Article 529g of Chapter 90 of the Acts of the Regular Session of the Twenty-ninth Legislature of Texas; Articles 2518, 2518½, 2518m, 529e, 529j, 529o of Chapter 126 of Acts of the Regular Session of the Thirtieth Legislature of Texas, and adding thereto Article 2518k½, referring to licenses required of dealers in fish and oysters, and Article 529j½, referring to the screening of pumps, etc.; and repealing all laws in conflict with the above, relating to the duties and powers of the Game, Fish and Oyster Commissioner."

House bill No. 123, "An Act amending

Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State, and declaring an emergency."

House bill No. 126, "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll taxpayers on the public roads of said counties; and to provide adequate penalties for the violation of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Sections 1, 2, 33, 53 and 54 of the Acts of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby, Smith and Rusk and auxiliary thereto,' etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 4 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Perkins:

Greenville, Texas, April 6, 1909.
Hon. Tom W. Perkins, Senator, Austin, Texas.

Dear Sir: We earnestly request that you support only the Senter-Hume Deposit Guaranty bill, which forces each

bank guaranteeing its deposits to make bond to the State to cover the total of its deposits, thereby guaranteeing depositors against loss, and fixing the responsibility where it belongs.

Respectfully,

H. W. WILLIAMS,

And 30 other Hunt County citizens.

By Senator Terrell of Bowie:

Waxahachie, Texas, April 8, 1909.

Senator Terrell of Bowie, Care House of Representatives, Austin, Texas.

We, the barbers of Waxahachie, beg to express our appreciation to you for the fight you have made against the bum barber bill. Long may you live and long may the bill sleep. Rest assured the barbers of Texas are with you.

Numerously signed.

Senator Kellie offered the following, which was read and ordered printed in the Journal:

Nacogdoches, Texas, April 8, 1909.

Senator E. I. Kellie, Austin, Texas:

Please insist on Senter-Hume bill.

E. A. BLOUNT,

President Cushing State Bank, Director of Alto State Bank.

Port Arthur, Texas, April 8, 1909.

Senator E. I. Kellie, Austin, Texas:

We are all with you indorsing the Senter-Hume substitute.

S. O. LATIMER.

Beaumont, Texas, April 8, 1909.

Capt. Kellie, Senate Chamber, Austin, Texas:

Stand pat.

B. R. NORVELL.

Port Arthur, Texas, April 8, 1909.

Senator E. I. Kellie, Austin, Texas:

Glad you are supporting the Senter-Hume substitute. All thinking Texans should be with you.

GULF GROCERY CO.

Port Arthur, Texas, April 8, 1909.

E. I. Kellie, Senate Chamber, Austin, Texas:

Stand pat on Senter-Hume substitute.

GEO. M. CRAIG.

Nacogdoches, Texas, April 8, 1909.

Senator E. I. Kellie, Austin, Texas:

Please support the Senter-Hume guaranty bill.

STRIPLING, HASELWOOD & CO.

Nacogdoches, Texas, April 8, 1909.

Hon. E. I. Kellie, Austin, Texas:

Senter-Hume substitute embodies everything equitable. Please support actively.

CASON, MARK & CO.

Port Arthur, Texas, April 8, 1909.

E. I. Kellie, Senate Chamber, Austin, Texas:

We hope you will support the Senter-Hume substitute.

W. L. WARNELL, Cashier.

Senator Sturgeon offered the following:

Senator B. B. Sturgeon:

We, the undersigned citizens of Lamar county, commend your vote on the Senter-Hume Guaranty bill. It provides ample protection for the depositor and encourages sound, conservative banking. We therefore urge that you support the measure without change or amendment.

The above was signed by about 250 citizens of Lamar county.

By Senator Meachum:

To Senator McDonald Meachum, Austin, Texas.

Dear Sir: We, the undersigned, heartily commend your support of the Senter-Hume Guaranty Deposit bill, which requires each bank to insure its own deposits, as opposed to legislation making one bank responsible for the debts of all other banks; and respectfully request you to stand firmly in support of said Senter-Hume bill in opposition to the Cureton or Love bill; and to oppose all such legislation as is contemplated in the Cureton or Love bill; which we believe to be contrary to the principles of good government.

Numerously signed.

By Senator Sturgeon:

Pattonville, Texas, April 10, 1909.

Hon. B. B. Sturgeon, Austin, Texas.

Dear Sir: As the House of Representatives has passed the House bill No. 1, known as the Cureton bill, we, the undersigned citizens of Lamar county, petition that you vote and use your utmost influence in behalf of the passage of the bill in the Senate.

Numerously signed.

By Senator Senter:

Center Point, Texas, April 4, 1909.

Senator Senter, Austin, Texas.

Dear Sir: From the papers today, it

is noted that the House has passed the Cureton bill for the guarantee of bank deposits, while the Senate has adopted the Senter-Hume bill.

Some concessions are now in order. Will it be possible to induce the House to make them? The measures have been freely discussed in this valley today, and the general preference is given to the Senter-Hume bill. It is preferable to all, and in every way better fitted to the needs of Texas banks.

It embodies the most business-like plan, and the shareholders of this bank, and in fact of the other five banks with which I am associated, favor it heartily.

We are willing to make the State of Texas secure in the total sum of our deposits, and have the State guarantee the security of our depositors.

This bank would have pleasure in participating in a movement like you have planned, and think it is proper, but rather than guarantee the accounts of some other banks whose policy we have no voice in regulating, prefer no guarantee law at all.

Our vote is unanimous in behalf of the Senter-Hume bill, and it is esteemed here that a great blessing will be bestowed upon the entire State of Texas, if you will see to it that the House makes the concession.

You have my permission to use this letter if it will be worth while. I have written to Hon. John Marshall, and Hon. Sam OBryant. I am

Yours cordially,

M. P. McCORKLE.

By Senator Bryan:

Eastland, Texas, April 6, 1909.

Hon. J. W. Bryan:

We, the members of the Farmers' Educational and Co-operative Union of Yellow Mound, Eastland county, State of Texas, being seventy-three strong, do hereby petition you as Senator from this district, to vote for and use your influence to get Cureton bill, known as House bill No. 1, guaranteeing deposits in the Texas State banks, passed without amendments. Trusting you will do all you can in favor of said bill,

Respectfully submitted,

JIM BARDEAUX,
Committeeman.

By Senator Perkins:

McKinney, Texas, April 9, 1909.

Senator Tom W. Perkins, Austin, Texas:

You are making mistake of your life in supporting Senter-Hume substitute.

The people won't stand for it. Scratch the bug under the chip and you will find that the national banks are trying to kill all legislation.

F. E. WILCOX.

Ft. Worth, Texas, April 9, 1909.

Hon. Tom W. Perkins, Austin, Texas.

Ft. Worth Democratic business men commend your stand against Socialism, and hope you will stand pat on the Senter-Hume bill.

B. B. PADDOCK.

Colorado, Texas, March 27, 1909.

Be it Resolved, by Colorado Local Union No. 3396, of the Farmers' Educational and Co-operative Union of Texas,

First. That we most heartily endorse the Cureton bill, known as House bill No. 1, now pending before the Special Session of the Thirty-first Legislature of Texas, a bill to guarantee deposits in Texas State banks:

Second. That we respectfully ask our Senator and Representative to work for the passage of the said Cureton bill as originally drawn, opposing all amendments to same that might make it inoperative. *

H. COOK, Pres.

Snyder, Texas, March 27, 1909.

To the Hon. W. J. Bryan:

We, the members of the Farmers' Union, Bethel Local 1282, in Scurry county, take this privilege to show you our appreciation of the great stand you have taken in behalf of the common people. We feel grateful to you for the introduction and passing of the cotton factory bill. We shall ever feel ready to aid you in any way we can.

And we now come with a petition in behalf of the Cureton bill, House bill No. 1, asking you to support and work for it in its original form without any amendments, as we feel that it will give us equal rights with all others.

GILES BOWERS,

W. J. EVANS,

Committee.

WM. H. GARDNER, Secy-Treas.

Nubia, Texas, March 29, 1909.

Hon. W. J. Bryan, Austin, Texas.

Dear Sir: At the last meeting of the Butmen Local Farmers' Union of Texas our members voted to indorse the following resolutions:

Resolved, That we favor the Cureton bank guarantee bill now pending before the Texas Legislature; further

Resolved, That we instruct our secretary to write to our Senator and Representative, urging them to use their influence to enact the same into law.

Yours sincerely,

J. E. PATTERSON,
Secretary Butmen Local Farmers'
Union.

Abilene, Texas, March 31, 1909.

To Hon. W. J. Bryan, State Senator
from this Senatorial District:

We, the undersigned members of the Farmers' Union and citizens of the State of Texas, hereby do petition that you vote for the bill known as House bill No. 1, guaranteeing to depositors their deposits in State banks, and in thus doing we feel that we are acting in our own interest and that such a bill will be to the detriment of no one.

Eastland, Texas, March 29, 1909.

Hon. W. J. Bryan, Austin, Texas.

Dear Sir: The District Union of Eastland District voted unanimously for the Cureton bank deposit bill without being amended. Also, if the anti-bucketshop bill was amended to make it a felony for violating it, you will please use your influence and vote for these bills, and oblige

Yours,
T. M. JOHNSON,
J. H. BAINES,
Committee.

Big Springs, Texas, March 30, 1909.

To the Hon. W. J. Bryan:

We, the undersigned members of the Farmers' Union of Texas, do hereby petition you to support the Cureton bill, known as House bill No. 1, and to oppose any amendments to include national and private banks in its provisions.

Numerously signed.

Hon. W. J. Bryan, Austin, Texas:

We, the undersigned citizens of Taylor county, respectfully petition you as our representative in the State Senate, to use your influence and vote in favor of the enactment of House bill No. 1 into law and without amendment.

Numerously signed.

TWENTIETH DAY.

Senate Chamber,

Austin, Texas,

Saturday, April 10, 1909.

Senate met pursuant to adjournment,

Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Meachum.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 46, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by law in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit; defining rules of evidence in prosecutions arising hereunder."

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency," with amendments.

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas fixing the terms of the criminal district court of Galveston and Harris counties," with amendments.

House bill No. 115, A bill to be entitled "An Act to provide for the maintenance of an agricultural experimental station for the experimental culture of tobacco to be located in the Seventeenth Representative District, and making necessary appropriation therefor, and declaring an emergency."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption of):

House bill No. 115, referred to Committee on Agricultural Affairs.

SIMPLE RESOLUTION.

By Senator Brachfield:

Whereas, It is conceded that H. Bascomb Thomas has been elected to represent the Second Senatorial District of Texas in the State Senate; and

Whereas, The said H. Bascom Thomas is now in the city; therefore, be it

Resolved by the Senate, That the said H. Bascom Thomas be allowed to take the oath of office before the bar of the Senate as the representative of the said district and to occupy the seat formerly occupied by the representative from that district.

The resolution was read and adopted.

The Chair (Lieutenant Governor Davidson) instructed the Sergeant-at-Arms to notify Senator Thomas of the contents of the above resolution.

HOUSE BILL NO. 11—FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Veale:

Committee Room,
Austin, Texas, April 9, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House.

Sirs: We, your Free Conference

Committee appointed to consider and adjust the differences between the House and the Senate on House bill No. 11, beg leave to report as follows:

We concur in Senate amendments by adding the following thereto:

Amend the amendment by first adding the following at the end of Section 1:

(1)

Two of these experimental stations shall be established west of the 98th meridian, one of which shall be in West Texas and the other in Northwest Texas; one shall be located in what is known as the black land belt of Central or North Texas, and one shall be located in the rice belt of South or Southeast Texas, and at such other point as said Board shall designate.

(2)

On page 1, lines 19 and 20, strike out the words "Superintendent of Agriculture and Horticulture" and insert in lieu thereof the following words: "Director of the Agricultural Experiment Stations."

(3)

Sec. 5, page 2, line 4, by striking out the word "Superintendent" and insert in lieu thereof the word "Director."

(4)

Sec. 7, page 2, line 15, by striking out the word "Superintendent" and insert in lieu thereof the word "Director."

(5)

Sec. 6, page 2, line 10, by inserting the word "State" between the word "the" and the word "agricultural."

TERRELL of Cherokee,
JACKSON,
ANDERSON,
MUNSON,
CHANEY,
On the part of the House.
VEALE,
HARPER,
MURRAY,
HUDSPETH,
MAYFIELD,
On the part of the Senate.

The report was read and adopted by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Maesterson.	Weinert.
Mayfield.	Willacy.

Absent.

Meachum. Sturgeon.

SENATE BILL NO. 8—FREE CONFERENCE COMMITTEE REPORT ON ADOPTED.

By Senator Harper:

Committee Room,
Austin, Texas, April 9, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the House and the Senate on Senate bill No. 8, the same being "An Act to carry into effect Article 132, Section 16 of the Constitution of the State of Texas, in relation to a Texas State Board of Health and Vital Statistics Department; to abolish the present Department of Public Health and Vital Statistics; to create a Texas State Board of Health; to provide for the appointment and organization of said Board, and the name of its officers; to provide for the designation by the Governor of one member of said board as State Health Officer; to provide for the operation and maintenance of the State quarantine service; to define the qualifications of the members, officers and employes of the State Board of Health; to fix their salaries, and provide for office quarters and appliances of said Board; to define the status of said Board with relation to courts of the State, to confer upon said Board discretionary powers concerning the defining and investigating nuisances detrimental to the public health and the investigating and regulating of water supply and other investigations necessary concerning mat-

ters of public health and sanitation and quarantine and for general discretionary powers concerning matters of public health and sanitation; and to delegate to said Board under the police powers of this State authority to prepare, adopt, enact, promulgate and put into effect rules and regulations and requirements governing the promotion and protection of public health and safety, such rules and regulations to be incorporated into what shall be known as a sanitary code for Texas; to prescribe penalties within certain limits for the violation of the rules and regulations specified by said code; to define the duties of the courts of this State with respect to the enforcement of obedience and to the process of said Board; to define the duties of the court with respect to compelling obedience and respect of witnesses when summoned to testify before said Board; providing for compelling attendance by said Board of witnesses in an investigation involving the exercise of the discretionary powers of said Board, and declaring that any witness falsely testifying before said Board shall be guilty of perjury; to confer upon the officers, members and inspectors of said Board power to make arrests for violation of the sanitary code and the health and sanitary laws of the State; to define the duties of the courts of the State relative to the enforcement of the law, rules, regulations and ordinances of the sanitary code of Texas; to define the duties of all peace officers of the State relative to apprehending and arresting offenders against said sanitary code for Texas; to confer upon said Board power and authority to revise and amend the sanitary code for Texas, and to provide a method for promulgating and enforcing such amendments and revisions; to abolish the office of county physician in the several counties of this State, and to create and define the office of county health officer instead, and to define the powers of said county health officers, and to prescribe penalties for neglect of duty on the part of said county health officer; to abolish the office of city physician within this State in the several incorporated cities and towns, and to create instead the office of city health officer; to define the qualifications and duties of city health officer, and the method of appointment to office and the method of removal from office, and prescribing penalties for neglect of duty on part of city health officers; providing for annual conferences of county health officers and city health officers, and to declare an emergency."

Have had the same under consideration for the purpose of adjusting the differences, and beg to report the following bill back to the Senate and House of Representatives, being an adjustment of the differences existing:

S. B. No. 8. By Harper and Meachum.

A BILL

To be entitled

An Act to carry into effect Article 132, Section 16 of the Constitution of the State of Texas in relation to a Texas State Board of Health and Vital Statistics Department; to abolish the present Department of Public Health and Vital Statistics; to create a Texas State Board of Health; to provide for the appointment and organization of said Board, and the name of its officers; to provide for the designation by the Governor of one member of said Board as State Health Officer; to provide for the operation and maintenance of the State quarantine service; to define the qualifications of the members, officers and employes of the State Board of Health; to fix their salaries, and provide for office quarters and appliances of said Board; to define the status of said Board with relation to courts of the State, to confer upon said Board discretionary powers concerning the defining and investigating nuisances detrimental to the public health and the investigating and regulating of water supply and other investigations necessary concerning matters of public health and sanitation and quarantine and for general discretionary powers concerning matters of public health and sanitation; and to delegate to said Board under the police powers of this State authority to prepare, adopt, enact, promulgate and put into effect rules and regulations and requirements governing the promotion and protection of public health and safety, such rules and regulations to be incorporated into what shall be known as a sanitary code for Texas; to prescribe penalties within certain limits for the violation of the rules and regulations specified by said code; to define the duties of the courts of this State with respect to the enforcement of obedience and to the process of said Board; to define the duties of the court with respect to compelling obedience and respect of witnesses when summoned to testify before said Board; providing for com-

PELLING attendance by said Board of witnesses in an investigation involving the exercise of the discretionary powers of said Board, and declaring that any witness falsely testifying before said Board shall be guilty of perjury; to confer upon the officers, members and inspectors of said Board power of peace officers with power to make arrests for violation of the sanitary code and the health and sanitary laws of the State; to define the duties of the courts of the State relative to the enforcement of the law, rules, regulations and ordinances of the sanitary code of Texas; to define the duties of all peace officers of the State relative to apprehending and arresting offenders against said sanitary code for Texas; to confer upon said Board power and authority to revise and amend the sanitary code for Texas, and to provide a method for promulgating and enforcing such amendments and revisions; to abolish the office of county physician in the several counties of this State, and to create and define the office of county health officer instead, and to define the powers of said county health officers, and to prescribe penalties for neglect of duty on the part of said county health officer; to abolish the office of city physician within this State in the several incorporated cities and towns, and to create instead the office of city health officer; to define the qualifications and duties of city health officer, and the method of appointment to office, and a method of removal from office, and prescribing penalties for neglect of duty on part of city health officers; providing for annual conferences of county health officers and city health officers; and to declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Department of Public Health and Vital Statistics as now existing under the laws of this State is hereby abolished, and that there be created and established in its stead a State Board of Health, to be officially designated as Texas State Board of Health, which shall consist of seven members, who shall be legally qualified practicing physicians, who shall have had at least ten years' experience in actual practice of medicine within the State of Texas, of good professional standing, and who shall be graduates of reputable medical colleges, to be appointed biennially by the Governor as

soon as practicable after the passage of this bill, and thereafter on or before the 10th day of March following his inauguration. One member of said board, who shall be appointed by the Governor, and confirmed by the Senate, shall be designated by the Governor as State Health Officer, and who shall be president and executive officer of the board. The members of said board shall hold their office for a term of two years, and until their successors shall be appointed and qualified, unless sooner removed for cause.

Sec. 2. The president of said board shall receive annually a salary of \$2500. The other six members of said board shall receive no salary, but each of said members shall be allowed for each and every day he shall be in attendance upon the meetings of the board the sum of \$10, including the time spent in transit, and 3 cents per mile going and coming for actual expenses to be paid on their vouchers when approved by the president of the board and the Governor by warrant drawn by the Comptroller against the general appropriation provided by law for that purpose; provided, no member shall receive more than \$500 annually.

Sec. 3. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall meet at Austin on the first Tuesday after appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the board, or as often and at such time and places as such meetings shall be deemed necessary for the board. Timely notice of such meetings shall be given to each member of the board by the president thereof. The board shall be convened on call of the president, or on demand of three members of said board made in writing to the president. The office of said board shall be in the Capitol at Austin, and the said board shall be furnished with all necessary equipment and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other offices of the State are furnished, including suitable rooms for its offices and laboratories, necessary for carrying on the work of the board, and to be provided in the Capitol building or other suitable buildings to be designated by the Governor.

Sec. 4. The president of the board shall at the first meeting of the board appoint, with the approval of the Governor, the following:

(1) An Assistant State Health Officer, who shall be a legally qualified

practitioner of medicine under the laws of the State of Texas, and who shall have had five years experience in the practice of medicine in this State, whose duty it shall be to assist the president of the board in a general supervision of the affairs of his office and in the enforcement of quarantine and sanitation throughout the State. Said Assistant State Health Officer shall receive an annual salary of \$2400.

(2) A Registrar of Vital Statistics, whose duty it shall be to correct, record, compile and tabulate the vital and mortuary statistics of the State as provided by law, and shall also be secretary of the board, and perform such other duties as may be directed by the president of the board, and he shall receive an annual salary of \$1800.

(3) A chemist and bacteriologist, who shall be learned in chemistry, pathology and bacteriology, and he shall receive a salary of \$1800 per annum. He shall make examination and analyses of such things and matters as may be submitted to him by the board, or the State Health Officer, and shall report results of such examinations in such manner and form as may be directed by the board.

(4) One stenographer and bookkeeper combined at a salary of \$1200 per annum.

(5) One inspector at a salary of \$1800 per annum. It shall be the duty of such inspector to conduct such inspection as required by the board and the president of the board, and to assist in the enforcement of all sanitary and quarantine laws of the State, and to perform such other necessary services as may be prescribed by the president of the board.

Sec. 5. Members of the Board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State. Upon presentation of oath and their certificates of appointment signed by the Governor, the Secretary of State shall issue commissions to them under the seal of the State, which shall be evidence and be authority to act as such members of the Board.

Sec. 6. The president of the Board shall execute bond in the sum of \$10,000, with two or more good and sufficient sureties, payable to the Governor and his successors in office conditioned for the faithful performance of his official duties, to be approved by the Governor, and filed in the office of the Secretary of State.

Sec. 7. The president of the Board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with full authority to declare and enforce quarantine, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

Sec. 8. There is hereby appropriated and set aside out of the general revenue of the State the sum of \$8000, or as much thereof as shall be necessary to pay salaries of the members and officers of the board, its inspectors, assistants and employes for the remainder of the current fiscal year after their tenure of office begins.

Sec. 9. The State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of this State, as provided herein. It shall make a study of the causes and prevention of infectious and contagious diseases within the State, and, except as otherwise provided in this act, shall have direction and control of all matters of quarantine regulations and enforcement and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State and to suppress same and prevent their spread.

Sec. 10. Power is hereby conferred on the Texas State Board of Health to prepare a sanitary code to be known as the "Sanitary Code for Texas," which shall provide rules and regulations for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic condition within this State, for the suppression and prevention of infectious and contagious diseases, and for proper enforcement of quarantine, isolation and control of such diseases; which said ever, that where a patient can be treated with reasonable safety to the public health, he shall not be removed from his home without his consent, or the consent of the parents or guardian, in case of a minor; where said code, when so made, adopted, approved by the Governor, published and promulgated, shall have the force of law in all respects as far as relates to the following subjects:

(a) In the management of quarantine and disinfection with respect to all

contagious, infectious diseases and exposures.

(b) In the government of quarantine and disinfection of all pestilential diseases, such as bubonic plague, Asiatic cholera, leprosy, typhus and yellow fever.

(c) For the inspection, sanitation and disinfection of all railway coaches (including interurban cars), sleeping cars, street cars, waiting rooms, toilet rooms in cars and stations, depots and stations; the regulations for the proper protection of the public water, ventilation and heat supplies in such places, and the sanitary conduct and condition of all persons within such places.

(d) Governing the reporting by physicians and health officers of the presence in any locality of all contagious and infectious diseases.

(e) Governing the manner and method of collecting and reporting all vital and mortuary statistics, including reports of births and deaths, designating to whom and by whom such report shall be made and the form of same.

(f) Governing the preparation for transportation of dead bodies.

Provided, that said Texas State Board of Health shall prepare and adopt at such time as they may deem proper and expedient an "Advisory Supplement" to such "Sanitary Code for Texas" which shall contain rules and regulations on the following subjects:

(1) Prescribing and fixing the standard for disinfectants; requiring employment of disinfectants of proper quality and standard for the disinfection of all premises as directed by the board.

(2) Regulating the proper sanitary disposition of sewerage, garbage and offal, and the proper drainage of unsanitary premises.

(3) Governing the proper interment and disinterment of dead bodies.

(4) Regulating the examination and inspection both ante mortem and post mortem of all animals which may be intended for supplying food products or meat for human consumption; regulating and governing the protection of the public with reference to the sale and use of diseased animals for producing food products or meat; the manner of feeding to animals designated for producing food stuffs; regulating the inspection, examination and management of all dairy cows and herds for the purpose of controlling and suppressing tuberculosis and other diseases liable to be communicated from animal to man.

(5) Regulating the sanitary condition

of slaughter houses, meat markets and dairies.

(6) Rules and regulations for the sanitation and disinfection of public buildings; provided, that a public building is hereby declared to be any building owned by the State or any county or any city school building, college or university of any class, any dance hall, music hall, saloon, fire hall, skating rink, theater, theatorium, moving picture show, circus, pavilion, office building, hotel, lodging house, restaurant, lecture hall, place of public worship or any building or place used for the congregation, occupation or entertainment, amusement or instruction of the public.

(7) Rules and regulations to govern and control the conduct and operation of markets, peddlers' wagons, and all other places and methods of exposure for sale of meats, fish, poultry, game, fruits, vegetables and all perishable articles of food exposed for sale, and to regulate the time and method of such exposure, and to prescribe and limit methods for the preservation of such articles of food, and to prohibit the doing of any act or the use of any method with respect thereto, which said board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department.

Provided, that such "Advisory Supplement" to said "Sanitary Code for Texas" shall be advisory only. It shall be the duty of all city and county health officers, members of city councils, city and county commissioners to so co-operate at all times with the Texas State Board of Health in enforcing the rules and regulations contained in such "Advisory Supplement," and any city or town in this State may by a majority of its city council or commissioners and whenever the subject matter relates to the public schools with the approval of a majority of the members of the school board of such city or town, adopt such advisory supplement, and the rules and regulations therein contained shall thereafter have the full force and effect of law in such city or town; provided, that the commissioners court of any county in this State may by a majority vote adopt said "Advisory Supplement" to the "Sanitary Code for Texas" and thereafter the rules and regulations contained in such "Advisory Supplement" shall have the full force and effect of law outside of all incorporated cities and towns in such county.

Any person who shall violate any of the rules and regulations contained in the "Sanitary Code for Texas" as embraced in subdivisions a, b, c, d, e and f of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 and not more than \$1000.

Any person who shall wilfully violate any of the rules and regulations contained in the "Advisory Supplement" to the "Sanitary Code for Texas," embraced in subdivisions 1, 2, 3, 4, 5, 6 and 7 of Section 11 of this act, when same shall have been adopted by the city or county in which said person shall have violated such rules and regulations, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5.00 and not more than \$200.

It shall be the duty of the said Texas Board of Health to investigate and to provide for the removal of known causes of disease; to provide for the extermination of obnoxious and hurtful insects, vermin and rodents when necessary to prevent and suppress disease.

For the compilation and preparation of such code, it shall be the duty of the board to consult authorities and make investigations relative to the most approved modern sanitary codes and spare no pains to make the same complete in the light of modern science.

On adoption of the said code by votes of a majority of the members of the board, and approved by the Governor, it shall be published at length for one time in the official monthly bulletin of the State Board of Health, and at least three times for three consecutive weeks in three daily newspapers of the State, after which adoption, approval and publication, it shall become operative and have the absolute force of law, and any person who shall violate any of the rules and regulations in said sanitary code after its adoption and publication as above provided for shall be deemed guilty of a misdemeanor and upon conviction shall be fined as herein prescribed.

And it is hereby made the duty of the several courts of this State having jurisdiction over such offenses, according to the grade thereof, to enforce and carry into effect each and all of the rules and regulations as promulgated in said "Sanitary Code for Texas," when they shall have the force and effect of law as provided herein, and to impose and collect penalties in the amounts therein specified from all persons found guilty of any violations thereof.

There shall be printed by the board and by it published in pamphlet form a sufficient number of copies of the "Sanitary Code for Texas" for distribution to the public. Copies shall be furnished free upon application to county and municipal health authorities, boards of health, mayors, members of city councils, city commissioners and judges and clerks of courts. Copies of said code shall be furnished by the board upon application to any person applying therefor and paying a nominal sum, to be fixed by the board, to cover cost of publication and transportation of same.

Provided, this act shall not be construed to repeal any of the laws of this State now in force affecting the public health, but shall be construed to be cumulative to said laws, and the Board of Public Health is hereby authorized to promulgate rules and regulations for all laws relating to the public health now in force in this State.

Sec. 11. Power is hereby conferred upon the Texas State Board of Health to further revise and amend said sanitary code for Texas at any time they may deem proper and expedient; provided, that such revision and amendment shall come within the scope of the power herein conferred upon the board for enacting the original code.

Sec. 12. It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State Health Officer, and whenever State Health Officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

Sec. 13. Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the board, of the violation of any public health, sanitary or quarantine law of the State, and such member, officer or inspector may so arrest such offenders without warrant when the offense is committed within the presence or sight of such member, officer or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State Rangers and all other peace officers to assist in the apprehension and arrest of all persons violating

any provisions, rules, ordinances or laws or the sanitary code for Texas as it may be adopted by said board, or for violation of any public health, sanitary or quarantine laws of the sanitary code for Texas as it may be adopted by said inspectors and officers of said board to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances and laws of the sanitary code for Texas when adopted, published and promulgated by said Board of Health, as provided in this act when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

Sec. 14. The members of the Board of Health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect and view all grounds, public buildings, factories, slaughter houses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants and all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations and ordinances of the sanitary code of Texas after it has been adopted, promulgated and published by the board for the enforcement of any and all health laws, sanitary laws or quarantine regulations of this State.

Sec. 15. The members of said Board of Health and its officers are hereby severally authorized and empowered to administer oaths and to summon witnesses and compel their attendance in all matters proper for the said board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said board and its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due observance of this act, and in the event any witness summoned by said board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such board, officer or member, such person shall be punished by

the district court of the county in which such witness is summoned to appear as for contempt of said district court.

Sec. 16. Any witness when summoned to appear before said board who shall falsely testify as to any matters proper for the determination of any question which the board may be investigating shall be deemed guilty of perjury, and shall be punished as provided by law for the offense of perjury.

Sec. 17. Be it further enacted that the office of county physician shall be abolished within the several organized counties of this State, and that instead the office of county health officer is hereby created in each organized county within this State.

Sec. 18. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

Sec. 19. It is hereby made the duty of the commissioners court of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years and until his successor shall be appointed and qualify, unless sooner removed for cause; provided, however, that in all counties where there is a duly appointed and acting county physician heretofore appointed the county judge shall appoint such county physician as county health officer. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Texas State Board of Health, and until such copies are so filed said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners court; provided, that no compensation or salary shall be allowed except for services actually rendered.

Sec. 20. The office of city physician for the several incorporated cities and towns within this State is hereby abolished, and instead created the office of city health officer; provided, however, that city physicians now in office shall serve as city health officers until the expiration of their present terms.

Sec. 21. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

Sec. 22. It is hereby made the duty of the city council or the city commissioners, as the case may be, of each in-

corporated city and town within this State to elect a qualified person for the office of city health officer by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city health physicians, in which event the office of city health officer shall be filled as it is now filled by the city physician, but in no instance shall the office of city health officer be abolished.

The city health officer, after appointment, shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

Sec. 23. In case the authorities hereinbefore mentioned shall fail, neglect or refuse to fill the office of county or city health officer as in this act provided, then the Texas State Board of Health shall have the power to appoint such county or city health officer to hold office until the local authorities shall fill such office, first having given ten days' notice in writing to such authority of the desire for such appointment.

Sec. 24. Each county health officer shall perform such duties as has heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine and other such duties as may be lawfully required of the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians, and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish, maintain and enforce quarantine within his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease, prevention and suppression, vital and mortuary statistics and general sanitation within his county, and he shall at all times report to the State Board of Health in such manner and form as it shall prescribe the presence of all contagious,

infectious and dangerous epidemic diseases within his jurisdiction, and he shall make such other and further reports in such manner and form and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of its proper rules, regulations, requirements and ordinances and in the enforcement of all sanitary laws and quarantine regulations within his jurisdiction.

Sec. 25. In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State Board of Health, and pending charges for removal said county health officer shall not receive any salary or compensation, which cause shall be tried in the district court of the county in which such county health officer resides.

Sec. 26. In the event any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this act, the State Board of Health shall file charges with the commissioners court for the proper county specifying wherein such officer has failed in the discharge of his duties, and at the same time the State Board of Health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary, or allowance to said county health officer, and pending such protest and charges, it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees or allowances on account of his office, unless such charges are shown to be untrue and are not sustained. After five days' notice in writing to said county health officer the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented. Either party, the State Board or the county health officer, may appeal from the decision of said court to the district court of said county, and pending such appeal no salary, fees or allowance shall be paid to said county health officer

for any subsequent earned salary, and in the event the charges shall be sustained, the said county health officer shall be charged to pay all costs of court, and shall forfeit all salary, fees and allowances, earned subsequent to the date of filing the charges and protests.

Sec. 27. No bond for cost or bond on appeal or writ of error shall be required of the State Board of Health or State officials in any actions brought or maintained under this act.

Sec. 28. Each city health officer shall perform such duties as may now or hereafter be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and the president thereof. He shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease, prevention and suppression and sanitation within his jurisdiction. He shall at all times report to the State Board of Health in such manner and form as shall be prescribed by said Board of Health the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State Board of Health shall direct touching all such matters as may be proper for the State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of proper rules, regulations and requirements in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection, and perform such other duties as said State Board of Health shall direct.

In all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said Board of Health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office

and shall subject said city health officer to removal from office at the relation of the State Board of Health, which cause shall be tried in the district court of the county in which such city health officer resides.

In the event of a failure or refusal of said city health officer to properly discharge his duties of his office the State Board of Health shall file charges against said city health officer with the council or city commission of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment to said city health officer of further fees, salary or allowance, and pending such charges and protest no further salary, fees or allowance shall be paid to said city health officer, unless such charges are shown to be untrue and not sustained. After five days' notice in writing to said city health officer the charges shall be heard before the mayor and council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be represented, and either the city health officer or the State Board of Health shall have the right of appeal to the county court of the county in which the city or town is situated, and if said charges be sustained said city health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees and allowance accrued subsequent to the date of filing of the charges and protest originally and which may be due him on account of his office.

Sec. 29. The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State.

Sec. 30. There shall be an annual conference of county health officers and city health officers of this State, at such time and place as the State Board of Health shall designate, at which conference the president or some member of the said State Board of Health, shall preside. The several counties, towns and cities may provide for and pay the necessary expense of its county health officer or city health officer for attendance upon said conference.

Sec. 31. In all matters wherein the Board of Health shall invoke the assistance of the courts, the action shall run

in the name of the State of Texas, and the Attorney General shall assign a special assistant to attend to all legal matters of the Board, and upon demand of the Board it shall be the duty of the Attorney General to promptly furnish the necessary assistance to the Board to attend to all its legal requirements.

Sec. 32. The fact that there is now no uniform and efficient law for the suppression and prevention of disease within this State, other than that of foreign origin, and no effective system for preserving, tabulating and utilizing the vital and mortuary statistics of the State and for the appointment of local health officers, creates an emergency and imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

HARPER,

HAYTER,

ALEXANDER,

MASTERSON,

WEINERT,

On the part of the Senate.

RALSTON,

MADDOX,

CROCKETT of Mitchell,

STRATTON,

TARVER,

On the part of the House.

Pending the reading of the report, on motion of Senator Harper, the same was dispensed with.

The report was adopted by the following vote:

Yeas—27.

Adams.

Alexander.

Brachfield.

Bryan.

Cofer.

Greer.

Harper.

Hayter.

Hudspeth.

Hume.

Kellie.

Masterson.

Mayfield.

Murray.

Paulus.

Peeler.

Perkins.

Real.

Senter.

Stokes.

Terrell of Bowie.

Terrell of McLennan.

Veale.

Ward.

Watson.

Weinert.

Willacy.

Absent.

Holsey.

Meachum.

Sturgeon.

Senator Harper moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.
Morning call concluded.

HOUSE BILL NO. 115.

On motion of Senator Kellie, the regular order of business (Senate bill No. 17) was suspended, and the Senate took up, out of its order, House bill No. 115, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Holsey.	Sturgeon.
Meachum.	

On motion of Senator Kellie, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Meachum.
Holsey.	Sturgeon.

On motion of Senator Kellie, the Senate rule requiring committee reports to lie over for one day was suspended, for

the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Meachum.
Holsey.	Sturgeon.

The Chair laid before the Senate, on second reading,

House bill No. 115. A bill to be entitled "An Act to provide for the maintenance of an agricultural experiment station for the experimental culture of tobacco, to be located in the Seventeenth Representative District, and making necessary appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 11 by the following vote: Yeas, 107; nays, 0.

Also the Free Conference Committee report on Senate bill No. 8 by the following vote: Yeas, 92; nays, 5.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

OATH OF OFFICE ADMINISTERED.

Here Senator H. Bascom Thomas, accompanied by the Sergeant-at-Arms of the Senate, appeared at the bar of the Senate, and, in accordance with a sim-

ple resolution formally adopted by the Senate today, the Chair (Lieutenant Governor Davidson) administered the constitutional oath of office to the said H. Bascom Thomas, Senator from the Second Senatorial District, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

**SENATE BILL NO. 25—HOUSE
AMENDMENTS CONCURRED
IN.**

Senator Brachfield called up

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency,"

And moved that the Senate concur in the House amendments.

Pending discussion, Senator Terrell of Bowie moved the previous question on the motion, which motion being duly seconded, was so ordered.

The motion to concur was adopted by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of
Hayter.	McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Meachum.	Sturgeon.
Stokes.	

Following are the House amendments:

Amend Senate bill No. 25, by adding at the end of Section 4, the following: "And any one or more of such companies may employ for the making of such schedules and rates, the services of such experts as they may deem advisable for such purpose."

Amend Section 3, by striking out the word "biannually" where it occurs therein and inserting in lieu thereof the word "biennially"; also by adding the word "knowingly" between the words "insurance company" and "write" in Section 7.

**SENATE BILL NO. 50—HOUSE
AMENDMENTS CONCURRED
IN.**

Senator Hume called up

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties,"

And moved that the Senate concur in the House amendments to the bill, which motion to concur was adopted.

Following are the House amendments to the bill:

Strike out all after line 17, and insert the following in lieu thereof:

"Said judge shall hold a term of court in the city of Galveston, county of Galveston, on the first Monday in the months of November, February, May and July of each year, and may continue for four weeks, unless the business of said court be sooner disposed of. Said judge shall hold a term of said court in the city of Houston, county of Harris, on the first Monday in the months of September and December and March of each year, and said term of said court may continue eight weeks or until the business thereof is disposed of, and said judge shall also hold a term of said court in the city of Houston, Harris county, on the first Monday in the month of June of each year, which term may continue for four weeks, unless the business of said court be sooner disposed of.

"This act shall become effective on the first day of August, 1909."

HOUSE BILL NO. 115.

Action recurred on House bill No. 115, the question being on the passage of the bill to third reading.

Pending discussion, Senator Hudspeth moved the previous question on the bill, which motion being duly seconded, was so ordered.

Bill read second time, and passed to third reading.

On motion of Senator Hume, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon.

The bill was read third time and passed by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—1.

Veale.

Absent.

Sturgeon.

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 102, A bill to be entitled "An Act amending Chapter 2, Title 104, Article 5066, as amended by Chapter 160 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to amend Article 5066, Title 104, Chapter 2, Revised Civil Statutes, relating to the rendition, listing and assessment of property for taxation,' approved June 2, 1899, and Chapter 3, Title 104, Articles 5103, 5104 and 5120 of the Revised Civil Statutes of the State of Texas, and providing for the listing of property for taxation and the time and manner in which property shall be listed for taxation, and the time when the commissioners court of the several counties of this State shall convene and sit as a board of equalization, and prescribing the duties of such boards of equalization."

House bill No. 103, A bill to be entitled "An Act to amend Chapter 98 of the General Laws of the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' approved April 15, 1907, as amended by Chapter 13 of the General Laws of the First Called Session of the Thirtieth Legislature, entitled 'An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled "An Act to provide for a board to calculate the ad valorem rate for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State," providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners courts of the several counties in this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general purposes to the taxable values as shown on the assessment rolls,' approved May 16, 1907, and requiring county tax collectors to make statements to the Comptroller of Public Accounts, showing the total amount of property in their county subject to taxation, and prescribing the time for making such statement."

House bill No. 34, A bill to be entitled "An Act to amend Article 376, Title 11, Chapter 2, of the Penal Code of Texas,

relating to the offering for sale, tickets in raffle."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

(See above House Message for captions.)

House bill No. 103, referred to Committee on Finance.

House bill No. 102, referred to Committee on Finance.

House bill No. 34, referred to Judiciary Committee No. 1.

SENATE BILL NO. 17.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 17, A bill to be entitled "An Act to amend Articles 1544 and 1546 of Chapter 2, Title 32 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Huma.	Veale.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—1.

Halsey.

Absent.

Paulus. Ward.
Terrell of Bowie.

The bill was read third time, and passed.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 30.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10, of the Revised Civil Statutes, with respect to the issuing of writs of attachment and garnishment, and declaring an emergency."

On motion of Senator Senter, the bill was laid on the table subject to call.

SENATE BILL NO. 62.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 62, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experimental stations in certain parts of Texas; to provide for proper appropriation therefor and repealing all laws in conflict herewith, and declaring an emergency."

On motion of Senator Veale, the bill was laid on the President's table.

SENATE BILL NO. 76.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 76, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purpose for which same shall be held, and declaring an emergency."

On motion of Senator Harper, the bill was laid on the table subject to call.

SENATE BILL NO. 80.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 80, A bill to be entitled

"An Act to establish and maintain in the Fourth Congressional District of Texas, an agricultural experiment station, and the Grubbs' Self-Help and Industrial College, and to locate the same at the town of Campbell, Hunt county, Texas; making an appropriation therefor, and declaring an emergency."

On motion of Senator Perkins, the bill was laid on the table subject to call.

SENATE BILL NO. 88.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 88, A bill to be entitled "An Act amending Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State; and declaring an emergency."

On motion of Senator Hume, the bill was laid on the table subject to call.

SENATE BILL NO. 89.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 89, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, black knot, or any tree, shrub or plant infested with or by the San Jose scale, white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employees to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated; and providing the manner of such treatment and destruction, and for certain investigations by the Commissioner of Agriculture; providing the manner of combating such diseases and pests; and preventing their spread and dissemination; providing for the inspection of orchards, nurseries, forest trees and greenhouse plants, and giving certificates to that effect; regulating alien individuals and alien nursery

companies or corporations doing business in this State; regulating the importation of trees, shrubs, plants and all nursery stock from without the State, and regulating their transportation within the State; forbidding the selling, consignment or shipping of nursery stock, cuttings, plants, shrubs, forest trees, evergreens, ornamentals and cut flowers without such certificate; providing for the fumigation of certain trees, shrubs and plants; defining a nursery and nursery stock; defining an agent for a nursery or nursery stock; defining a dealer in nursery stock; defining being in the nursery business; authorizing the Commissioner of Agriculture to adopt rules and regulations, and to appoint a chief inspector of trees, shrubs and plants for this State, and prescribing and defining the qualifications of such chief inspector, and to employ other assistants, agents and experts and fixing their compensation; fixing fees for inspection; fixing penalties for violation of any of the provisions of this act, and directing the disposal of the penalties collected under the provisions of this act; fixing the duties of city administrations, owners of parks and city residences, to obey rules and regulations of the Commissioner of Agriculture, and to co-operate with the Commissioner of Agriculture; provided, that agents for nurseries shall have credentials and define their duties; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

On motion of Senator Willacy, the bill was laid on the table subject to call.

HOUSE BILL NO. 1.

The Chair laid before the Senate, on second reading and regular order, House bill No. 1, the Cureton bank guaranty bill.

On motion of Senator Watson, the bill was laid on the table subject to call.

The Senate was here at ease subject to the call of the Chair.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 66, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations, and associations of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; require retail malt dealers and other persons to secure license to sell malt liquor exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the condition upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this act, and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9f, 9g, 9h, 9i, 10a, and 24c, and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws and parts of laws in conflict herewith; requiring licenses to be issued under this act, and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon license to be obtained under this

act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 66, referred to Judiciary Committee No. 2.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 65, A bill to be entitled "An Act to provide for the incorporation, organization, regulation and supervision of co-operative life insurance companies in this State and providing penalties for violations of this act."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 65, referred to Committee on Insurance, Statistics and History.

RECESS.

On motion of Senator Perkins, the Senate recessed until 2 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Brachfield.

The Senate was at ease for thirty minutes and was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 102.

Senator Willacy called up House bill No. 102, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was adopted by the following vote:

Yeas—23.

Adams.	Real.
Alexander.	Stokes.
Brachfield.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Thomas.
Hayter.	Veale.
Hudspeth.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Bryan.	Masterson.
Holsey.	Mayfield.
Hume.	Perkins.
Kellie.	Senter.

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Bryan.	Mayfield.
Holsey.	Perkins.
Kellie.	Senter.
Masterson.	

The Chair laid before the Senate, on second reading, House bill No. 102 (see committee report for caption of).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Real.
Alexander.	Senter.
Brachfield.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Bryan.	Masterson.
Holsey.	Mayfield.
Kellie.	Perkins.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Real.
Alexander.	Senter.
Brachfield.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Bryan.	Masterson.
Holsey.	Mayfield.
Kellie.	Perkins.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 103.

Senator Willacy called up House bill No. 103, and moved that the constitutional rule requiring bills to be read on

three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Bryan.	Masterson.
Holsey.	Perkins.
Kellie.	

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Bryan.	Masterson.
Holsey.	Perkins.
Kellie.	

The Chair laid before the Senate, on second reading, House bill No. 103 (see committee report for caption of).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspend-

ed and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Bryan.	Masterson.
Holsey.	Perkins.
Kellie.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Bryan.	Masterson.
Holsey.	Perkins.
Kellie.	

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the

Revised Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication, and declaring an emergency," with amendments.

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency," with amendments.

Senate bill No. 15, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said chapter, relating to citations in the sale of land by executors of the estates of decedents, and declaring an emergency."

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency."

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

Senate bill No. 22, A bill to be entitled "An Act to amend Article 2258, Chapter 31, Title 39 of the Revised Civil Statutes of 1895, relating to appeals to the district court in probate cases, and declaring an emergency."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

SENATE BILL NO. 12.

Senator Watson called up

Senate bill No. 12, A bill to be entitled

"An Act providing for the appointment of official shorthand reporters for district courts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensation of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

And moved that the Senate do not concur in the House amendments, and requested a Free Conference Committee.

The motion to non-concur prevailed.

The Chair appointed the following as the Free Conference Committee on the above bill: Senators Watson, Meachum, Hume, Senter and Hayter.

Following are the House amendments:

Amend Section 5 by striking out the words "providing the same is requested by either party to the suit," and the words "unless otherwise directed by all parties to the cause or their attorneys."

Amend Senate bill No. 12, Section 9, by adding after "ten cents per folio of 100 words" the following: "When furnished in question and answer form, and fifteen cents per folio of 100 words when furnished in narrative form."

Amend the amendment by inserting "ten cents" instead of "fifteen cents."

Amend the bill, Section 6, by striking out wherever it appears in Section 6 "five," and insert in lieu thereof "fifteen."

Amend the bill, Section 8, by adding after the words "he shall also receive from persons ordering transcripts of his notes the sum of ten cents per folio of 100 words" the following: "When furnished in question and answer form, and fifteen cents per folio of 100 words when furnished in narrative form."

SENATE BILL NO. 10—HOUSE AMENDMENTS CONCURRED IN.

Senator Stokes called up

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication, and declaring an emergency."

And moved that the Senate concur in the House amendments.

The motion to concur was adopted by the following vote:

Yeas—21.

Adams.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Watson.
Mayfield.	

Absent.

Alexander.	Sturgeon.
Hudspeth.	Veale.
Masterson.	Ward.
Perkins.	Weinert.
Senter.	Willacy.

Following are the House amendments:

Amend Senate bill No. 10, Section 1, line 20, by adding after the last word in said line the following: "And provided further, that said publication shall be made in the county in which the land is situated, provided there be a newspaper published in such county, and if there be no newspaper published in said county, then such publication shall be made in the county nearest to where said lands are situated."

SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 28. A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' providing venue; providing punishment for violations thereof; fixing

compensation, and declaring an emergency," with amendments.

Senate bill No. 29. A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency."

Senate bill No. 69. A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency," with amendments.

Senate bill No. 33. A bill to be entitled "An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the district court to act in vacation, and declaring an emergency."

Senate bill No. 35. A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature."

Senate bill No. 64. A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State, providing appropriation to carry this law into effect, and declaring an emergency," with amendments.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 12, and the following have been appointed on part of the House: Messrs. Buchanan, Lee, Schluter, Stratton and Canales.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 69—HOUSE AMENDMENTS CONCURRED IN.

Senator Masterson called up

Senate bill No. 69. A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency,"

And moved that the Senate concur in the House amendments.

The motion to concur prevailed by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Kellie.	Stokes.
Murray.	

Following are the House amendments:
Amend Senate bill No. 69 by inserting after the word "dollars" in Section 8, line 20, the following: "or as much thereof as may be necessary."

SENATE BILL NO. 64—HOUSE AMENDMENTS CONCURRED IN.

Senator Hudspeth called up
Senate bill No. 64, A Bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State; providing appropriation to carry this law into effect, and declaring an emergency."

And moved that the Senate concur in the House amendments.

The motion to concur prevailed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Kellie.	Veale.
Stokes.	

Following are the House amendments:
Amend Senate bill No. 64, Section 1, line 20, by inserting after the word State, "or the mayor or health officer of any city in this State."

Also, amend Section 1, line 25, by inserting after the word "officer," the words "mayor, city health officer."

Amend Senate bill No. 64, Section 2, line 25, by striking out "\$20,000.00" and inserting in lieu thereof "\$10,000.00 or so much thereof as necessary."

SPECIAL COMMITTEE REPORT.

By Senator Murray:

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate:

Sir: Your committee appointed under resolution of the Senate to make an investigation of the cost of printing Senate Journals, and for the purpose of investigating such other matters as they might deem proper and expedient, relative to the cost of all matters required by the Legislature to be printed, beg leave to report:

That we have made an investigation of the matter and that it is our opinion that under Article 16, Section 21, of the Constitution, it is absolutely impossible for the Senate by any rule or regulation to control or govern the printing of legislative journals; and that under said section of the Constitution, it is very questionable whether or not the Legislature would have any authority to question or regulate the price of printing matters of this kind; therefore, it is the opinion of this committee that no action should be taken by the Senate with reference to this matter; all of which is

Very respectfully submitted,
MURRAY,
WILLACY,
WEINERT.

COMMITTEE REPORT ON HOUSE BILL NO. 34.

Senator Meachum asked unanimous consent to send up a committee report on House bill No. 34, and Senator Hume objected; whereupon Senator Brachfield moved that the Senate permit the report to be sent up.

The motion was adopted by the following vote:

Yeas—22.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Ward.
Hudspeth.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—4.

Hume.	Murray.
Meachum.	Paulus.

Absent.

Harper.	Sturgeon.
Kellie.	Veale.
Stokes.	

Senator Meachum then sent up the committee report. (See Appendix for the report.)

EIGHTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 65, A bill to be entitled "An Act to amend Article 3388, Title 69, Revised Civil Statutes of the State of Texas of 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency."

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency," with amendments.

Senate bill No. 79, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

Senate bill No. 85, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District, in Coke county, Texas," etc.

Senate bill No. 86, A bill to be entitled "An Act creating and incorporating the

Robert Lee Independent School District," etc.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

HOUSE BILL NO. 34.

Senator Terrell of Bowie called up House bill No. 34, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was lost by the following vote:

Yeas—20.

Adams.	Mayfield.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Ward.
Hudspeth.	Watson.
Masterson.	Weinert.

Nays—6.

Harper.	Paulus.
Hume.	Veale.
Meachum.	Willacy.

Absent.

Kellie.	Stokes.
Murray.	Sturgeon.
Perkins.	

(President Pro Tem. Brachfield in the chair.)

SENATE BILL NO. 72—HOUSE AMENDMENTS CONCURRED IN.

Senator Weinert called up

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency,"

And moved that the Senate concur in the House amendments.

The motion to concur prevailed by the following vote:

Yeas—28.

Adams.	Harper.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Hume.
Greer.	Kellie.

Masterson.	Stokes.
Mayfield.	Terrell of Bowie.
Meachum.	Terrell of McLennan.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Weinert.
Real.	Willacy.
Senter.	

Absent.

Perkins.	Watson.
Sturgeon.	

Senator Weinert moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

Following are the House amendments:

Amend caption of Senate bill No. 72 by inserting between the words "Texas" and "and" the following: "by adding thereto Article 2890a, providing that no annual report shall be required in estates of less than one thousand dollars, unless required by the probate judge, or someone interested in the estate."

SENATE BILL NO. 26—HOUSE AMENDMENTS CONCURRED IN.

Senator Meachum called up

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 26 by striking out the word "justice," line 25, in Section 6, page 2, and insert in lieu thereof the word "judge."

The motion to concur prevailed by the following vote:

Yeas—26.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Masterson.	Terrell of Bowie.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Kellie.	Veale.
Perkins.	Watson.
Terrell of McLennan.	

HOUSE BILL NO. 65.

Senator Murray called up House bill No. 65, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was adopted by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Kellie.	Terrell of McLennan.
Perkins.	Veale.

On motion of Senator Murray, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—26.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Masterson.
Cofer.	Mayfield.
Greer.	Meachum.
Harper.	Murray.
Hayter.	Paulus.

Peeler.
Real.
Senter.
Stokes.
Sturgeon.

Terrell of Bowie.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Kellie.
Perkins.

Terrell of McLennan.
Veale.

The Chair laid before the Senate, on second reading,

House bill No. 65 (see committee report for caption of).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to third reading by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Harper.
Hayter.
Holsey.
Hume.
Masterson.
Mayfield.
Meachum.
Murray.
Paulus.

Peeler.
Perkins.
Real.
Senter.
Stokes.
Sturgeon.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—3.

Greer.
Hudspeth.

Terrell of Bowie.

Absent.

Bryan.
Cofer.

Kellie.
Terrell of McLennan.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Brachfield.
Harper.
Hayter.
Holsey.
Hume.
Masterson.
Mayfield.
Meachum.
Murray.
Paulus.
Peeler.

Perkins.
Real.
Senter.
Stokes.
Sturgeon.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—5.

Adams.
Alexander.
Greer.

Hudspeth.
Terrell of Bowie.

Absent.

Bryan.
Cofer.

Kellie.
Terrell of McLennan.

The bill was read third time and passed.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

VOTE RECONSIDERED ON CONCURRENCE OF HOUSE AMENDMENTS.

Senator Meachum here moved to reconsider the vote by which the Senate concurred in the House amendments to Senate bill No. 26.

The motion to reconsider prevailed.

RECESS.

On motion of Senator Meachum, the Senate, at 5 o'clock p. m. recessed until 8:30 o'clock tonight.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 26—FREE CONFERENCE COMMITTEE ON.

Senator Meachum called up

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency,"

And moved that the Senate do not

concur in the following House amendments and requested a Free Conference Committee:

Amend Senate bill No. 26 by striking out the word "Justice" in line 25, Section 6, page 2, and insert in lieu thereof the word "Judge."

Amend Senate bill No. 26 by striking out the words "fifteen hundred dollars" in line 13, page 3, and insert in lieu thereof "five hundred dollars."

The motion to non-concur prevailed, and the Chair appointed the following Free Conference Committee: Senators Meachum, Harper, Brachfield, Terrell of Bowie, and Stokes.

SIMPLE RESOLUTION.

By Senator Watson:

Resolved, That the President of the Senate appoint a committee of five members to arrange for post-session clerical work for First Called Session of the Thirty-first Legislature.

The resolution was read and adopted.

NINTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request for a Free Conference Committee on Senate bill No. 26, and the following have been appointed on part of the House: Messrs. Fuller, Davis, Dotson, Crisp and Crawford.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SIMPLE MOTION.

By Senators Alexander and Cofer:

Resolved, That House bill No. 66 be recalled from Judiciary Committee No. 2.

Senator Murray made the point of order on the above motion that when a bill was referred to a committee that it was committed to that committee, and under Rule 42 of the Senate, could not be considered again on the same day.

The Chair, Lieutenant Governor Davidson, overruled the point of order.

Pending discussion, Senator Watson moved to table the motion by Senators

Alexander and Cofer, which motion to table was adopted by the following vote:

Yeas—16.

Adams.	Paulus.
Greer.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—13.

Alexander.	Perkins.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Thomas.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

PAIRED.

Senator Kellie (present), who would vote "yea," with Senator Stokes (absent), who would vote "nay."

SENATE BILL NO. 26—FREE CONFERENCE COMMITTEE REPORT ON.

By Senator Meachum:

Committee Room,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House.

Sirs: We, your Free Conference Committee, heretofore appointed, and to whom was referred Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal, trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith'; providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency,"

Have had the same under consideration for the purpose of adjusting the differences between the Senate and House of Representatives, and beg to report that we have adjusted said differ-

ences, and we report the following bill, which embodies our agreement and adjustment of differences:

S. B. No. 26. By Meachum et al.

A BILL

To be entitled

An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled "An Act to define, prohibit and declare illegal, trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith;" providing venue; providing punishment for violations thereof, fixing compensation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled "An Act to define, prohibit and declare illegal, trust monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith;" be and the same are hereby amended so as to hereafter read as follows:

Sec. 6. For a violation of any of the provisions of this act, or any anti-trust laws of this State, by any corporation, it shall be the duty of the Attorney General, upon his motion, and without leave of order of any judge or court, to institute suit or quo warranto proceedings in Travis county, or at the county seat of any county in the State, which the Attorney General may select, for the forfeiture of its charter rights and franchises, and the dissolution of its corporate existence, and for such purposes venue is hereby given to each district court in the State of Texas.

Sec. 11. Each and every firm, person, corporation or association of persons, who shall in any manner violate the provisions of this act shall for each and every day that such violation shall be committed or continued, forfeit and pay

a sum of not less than fifty nor more than fifteen hundred dollars, which may be recovered in the name of the State of Texas in the district court of any county in the State of Texas, and venue is hereby given to such district courts, provided that when any such suit shall have been filed in any county and jurisdiction thereof acquired, it shall not be transferred to any other county except upon change of venue allowed by the court, and it shall be the duty of the Attorney General, or the district or county attorney, under the direction of the Attorney General, to prosecute for the recovery of the same, and the fees of the district or county attorney for representing the State in all anti-trust proceedings, or for the collection of penalties for the violation of the anti-trust laws of this State, shall be ten per cent. of the amount collected up to and including the sum of fifty thousand dollars and five per cent. of all sums in excess of the first fifty thousand dollars, to be retained by him when collected, and all such fees which he may collect shall be over and above the fees allowed under the general fee bill; provided that the provisions of this act as to the fees allowed the prosecuting attorney shall not apply to any case in which judgment has heretofore been rendered in any court, nor to any moneys to be hereafter collected upon any such judgment heretofore rendered in any court, whether such judgment or judgments are pending upon appeal or otherwise; and provided, further, that the district or county attorney who joins in the institution or prosecution of any suit for the recovery of penalties for a violation of the anti-trust laws of this State, who shall, previous to the collection of such penalties, cease to hold office, he shall be entitled to an equal division with his successor of the fee collected in said cause, and in case of the employment of special counsel by any such district or county attorney, the contract so made shall be binding upon such prosecuting officer making such contract and thereafter retiring from office; provided, further, that in case any suit is compromised before any final judgment in the trial court is had, then the fees herein provided for shall be reduced one-half.

Sec. 2. The fact that there is no law giving venue to each district court to try cases arising under the anti-trust laws throughout the State, and the further fact that the penalties provided

for under the Act of 1903 are inadequate to suppress violations of the law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

MEACHUM,
HARPER,
BRACHFIELD,
STOKES,
TERRELL of Bowie,

On the part of the Senate.

FULLER,
DAVIS,
DOTSON,
CRAWFORD,
CRISP,

On the part of the House.

The Free Conference Committee report was read, and adopted by the following vote:

Yeas—30.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofe.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Stokes.

Senator Meachum moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 121, "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, black-knot, or any tree, shrub or plant infested with or by the San Jose scale,

white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employes to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated; and providing the manner of such treatment and destruction, and for certain investigations by the Commissioner of Agriculture; providing the manner of combating such diseases and pests, and preventing their spread and dissemination; providing for the inspection of orchards, nurseries, forest trees and greenhouse plants, and giving certificates to that effect; regulating alien individuals and alien nursery companies or corporations doing business in this State; regulating the importation of trees, shrubs, plants and all nursery stock from without the State, and regulating their transportation within the State; forbidding the selling, consignment or shipping of nursery stock, cuttings, plants, shrubs, forest trees, evergreens, ornamentals and cut flowers without such certificate; providing for the fumigation of certain trees, shrubs and plants; defining a nursery and nursery stock; defining an agent for a nursery, or nursery stock; defining a dealer in nursery stock; defining being in the nursery business; authorizing the Commissioner of Agriculture to adopt certain rules and regulations and to appoint a chief inspector of trees, shrubs and plants for this State, and prescribing and defining the qualifications of such chief inspector, and to employ other assistants, agents and experts and fixing their compensation; providing for fixing fees for inspection; fixing penalties for violation of any of the provisions of this act, and directing the disposal of the penalties collected under the provisions of this act; fixing the duties of city administrations, owner of parks and city residences, to obey rules and regulations of the Commissioner of Agriculture, and to co-operate with the Commissioner of Agriculture; providing that agents for nurseries shall have credentials and defining their duties; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 17, "An Act to amend Article 1407, Chapter 19 of Title 30 of the Revised Civil Statutes of Texas of 1895, relative to appeal bonds on any appeal or writ of error, and declaring an emergency."

House bill No. 115, "An Act to provide for the maintenance of an agricultural experiment station for the experimental culture of tobacco, to be located in the Seventeenth Representative District, and making necessary appropriation therefor, and declaring an emergency."

House bill No. 11, "An Act to establish four additional State agricultural experiment stations, and providing the ways and means for their maintenance, and the maintenance of farm demonstration work in connection with said experimental stations, and making an appropriation therefor, and declaring an emergency."

Senate bill No. 24, "An Act declaring corporations, receivers or other persons operating railroads in this State to be liable to employes for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow and children and mother and father of the deceased; and if none, then of the next of kin dependent upon such employe; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law of this State or of the United States or in any way interfere with any proceeding now pending in any court, and declaring an emergency."

Senate bill No. 64, "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State, providing appropriation to carry this law into effect, and declaring an emergency."

Senate bill No. 46, "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by law, in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions hereunder."

Senate bill No. 50, "An Act amending Article 1525 of the Revised Statutes of

the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties."

Senate bill No. 69, "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency."

Senate bill No. 65, "An Act to amend Article 3388, Title 69 of the Revised Civil Statutes of the State of Texas of 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency."

Senate bill No. 86, "An Act creating and incorporating the Robert Lee Independent School District," etc.

Senate bill No. 18, "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency."

Senate bill No. 85, "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas, and defining its boundaries, providing for the election of a board of trustees to buy, assess and collect a tax of not exceeding 50 cents on \$100 of all property in said district subject to taxation for all purposes, including maintenance of its schools," etc.

Senate bill No. 29, "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency."

Senate bill No. 79, "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

Senate bill No. 33, "An Act to amend Chapter 3, Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the district court to act in vacation, and declaring an emergency."

Senate bill No. 35, "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40

of the General Laws of the Twenty-eighth Legislature."

Senate bill No. 10, "An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication, and declaring an emergency."

Senate bill No. 15, "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said chapter relating to citations in the sale of land by executors or administrators of the estates of decedents, and declaring an emergency."

Senate bill No. 72, "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency."

Senate bill No. 8, "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

Senate bill No. 20, "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

Senate bill No. 25, "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

Senate bill No. 22, "An Act to amend Article 2256, Chapter 31, Title 39 of the Revised Civil Statutes of 1895, relating to appeals to the district court in probate cases, and declaring an emergency."

House bill No. 102, "An Act amending Chapter 2, Title 104, Article 5066 as amended by Chapter 160 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to amend Article 5066, Title 104, Chapter 2, Revised Civil Statutes, relating to the rendition, listing and assessment of property for taxation,' approved June 2, 1899, and Chapter 3, Title 104, Articles 5103, 5104 and 5120 of the Revised Civil Statutes of the State of Texas, and providing for the listing of property for taxation and the time and manner in which property shall be listed for taxation and the time when the commissioners courts of the several counties of this State shall convene and sit as a board of equalization, and prescribing

the duties of such board of equalization."

House bill No. 103, "An Act to amend Chapter 98 of the General Laws of the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes,' etc., and declaring an emergency."

ADJOURNMENT.

Senator Terrell of McLennan moved that the Senate adjourn until tomorrow morning at 10 o'clock, which motion was adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Senter.
Cofer.	Terrell of Bowie.
Greer.	Thomas.
Hayter.	Veale.
Holsey.	Ward.

Absent.

Stokes. Sturgeon.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 55, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Leg-

islature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Hudspeth, Chairman; Veale, Willacy, Senter, Mayfield, Hume, Sturgeon.

(Majority Report.)

Committee Room,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 34, A bill to be entitled "An Act to provide for appeal upon bill of exceptions and prescribing the procedure in such case,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 34, A bill to be entitled "An Act to provide for appeal upon bill of exceptions and prescribing the procedure in such case,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do not pass and be not printed.

VEALE,
MEACHUM;
HUME.

(Floor Report.)

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

House bill No. 103, A bill to be entitled "An Act to amend Chapter 98 of the General Laws of the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties

of the tax assessors of the various counties in this State,' approved April 15, 1907, as amended by Chapter 13 of the General Laws of the First Called Session of the Thirtieth Legislature, entitled 'An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled "An Act to provide for a board to calculate the ad valorem rate for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State," providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners courts of the several counties in this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general purposes to the taxable values as shown on the assessment rolls,' approved May 16, 1907, and requiring county tax collectors to make statements to the Comptroller of Public Accounts, showing the total amount of property in their county subject to taxation, and prescribing the time for making such statement,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass and be not printed.

Willacy, Chairman; Murray, Holsey, Meachum, Harper, Weinert, Paulus, Peeler.

(Floor Report.)

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 102, A bill to be entitled "An Act amending Chapter 2, Title 104, Article 5066, as amended by Chapter 160 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to amend Article 5066, Title 104, Chapter 2 of the Revised Civil Statutes, relating to the rendition, listing and assessment of property for taxation,' approved June 2, 1899, and Chapter 3, Title 104, Articles 5103, 5104 and 5120 of the Revised Civil Statutes of the State of Texas, and providing for the listing of property for taxation and the time and manner in which property shall be listed for taxation, and the time when the commissioners courts of the several counties of this State shall convene and sit as a board of equaliza-

tion, and prescribing the duties of such boards of equalization."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Murray, Harper, Meachum, Paulus, Weinert, Peeler, Holsey, Sturgeon.

(Floor Report.)

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 115, A bill to be entitled "An Act to provide for the maintenance of an agricultural experiment station for the experimental culture of tobacco, to be located in the Seventeenth Representative District, and making necessary appropriation therefor, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Murray, Cofer, Perkins, Willacy, Kellie, Paulus, Holsey.

Committee Room

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 17, A bill to be entitled "An Act to amend Articles 1544 and 1546 of Chapter 2, Title 32 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 65, A bill to be entitled "An Act to provide for the incorporation, organization, regulation and supervision of co-operative life insurance companies in this State, and providing penalties for violations of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommen-

dation that it do pass and be not printed.

HUDSPETH, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas.

Sunday, April 11, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.

Murray.
Paulus.
Peeler.
Perkins.
Real.
Senter.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Sturgeon.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hayter the same was dispensed with.

The Chair declared the morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 26.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

MOTION TO DISCHARGE COMMITTEE.

Senator Terrell of Bowie here moved that in view of the fact that the Free

Conference Committee on Senate bill No. 4 had not reached an agreement, and it was known that they could not agree, that said Free Conference Committee be discharged and a new committee appointed, on part of the Senate.

The motion was ruled out of order by reason of there being no report before the Senate from the said committee.

HOUSE BILL NO. 55.

On motion of Senator Senter, the regular order of business (House bill No. 34) was suspended, and the Senate took up, out of its order, House bill No. 55, by the following vote:

Yeas—28.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofe.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Yeale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Present—Not Voting.

Brachfield.

Absent.

Harper.

Sturgeon.

The Chair laid before the Senate, on second reading,

House bill No. 55, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."

The committee report, which provided that the bill be not printed, was adopted.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding the following at the end of Section 27, page 13, of the printed bill: "Pending, during or after an examination or investigation of any such association whether domestic or foreign, the Superintendent of Insurance and Banking shall make public no statement, report or finding, nor shall he permit to become public any statement, report or finding affecting the status, standing or rights of any such association until a copy thereof shall have been served upon the president or secretary or corresponding officer of such association, nor until such association shall have been afforded a reasonable opportunity to answer any such statement, report or finding and to make such showing in connection therewith as it may desire. If such statement, report or finding shall not be withdrawn after such hearing, it shall not thereafter be made public except in connection with the answer or explanation of the association concerned."

Senator Hayter offered the following amendment:

Amend the bill by striking out the following Section 26, and renumbering the balance of the sections to correspond numerically.

EXECUTIVE MESSAGE.

The following message from the Governor was received and read to the Senate:

Executive Office,
State of Texas.

Austin, Texas, April 10, 1909.

To the Legislature:

The Constitution of this State imposes upon the Governor, among other things, the duty to "recommend to the Legislature such measures as he may deem expedient." Compliance with this provision of the Constitution is always the source of much annoyance to servants of special interests who may wish to serve their masters without protest from the Executive. However, under the Constitution, it is not only my privilege, but my duty to communicate by message with your honorable bodies, and in all reasonable ways to impress upon you the importance of such measures and the necessity for the enactment or repeal of such laws, as may appear to me to be demanded for the good of the State and for the welfare of all of the people. This duty I have at all times undertaken in an appropriate way to perform. The carplings of the hired lob-

byists may be echoed in our legislative halls in criticism and denunciation of the Executive, but no man has yet denied that I have acted within my duty and with fidelity to the masses of the people. In the contest for honest legislation and good government, I have never asked any quarter and will extend none. I have, without the semblance of dictation, but frankly and in a spirit of co-operation, sought the assistance of the Legislature, and have urged the enactment of needed and wholesome laws. I have respected the Democratic platform demands as good faith required me to do, and, as I believe, good faith requires of a Democratic Legislature. I have at all times sought to promote the welfare of all the people, and the extent to which I have received the co-operation of your honorable bodies, up to this time, is well known to the people of Texas. The most infamous lobby that ever trampled upon the will of the people has swarmed about this capital from the beginning of your Regular Session until this hour. The farmer is busy in his field. He cannot come to our capital to protect his interest. He relies upon you and upon me. He signs petitions and sends them by mail. To some, these petitions from the farmers, merchants and working men are irritating. It is their only way to be heard. The right of petition is sacred and the faithful public servant will not scoff at the petition of those who do not, and would not, hire professional lobbyists.

I have interpreted the Democratic platform without the aid of the liquor lobby, the railroad lobby, or of the Commercial Secretaries' lobby, which last mentioned instrument is the nucleus around which is gathered every selfish interest now represented at the capital. Its headquarters, established in Austin upon the assembling of this Legislature, with the evident purpose of directing legislation, is supported from a source unknown to you or to me. We can only surmise from the character of its work. I have interpreted the platform as I understand it, and as the people understand it, and not according to the view of those interests or of those politicians, who have shown such a marked activity in their efforts to defeat all legislative action, except to pass an appropriation bill and go home. A Legislature that is not competent to pass needed laws demanded by the people is certainly not competent to appropriate the taxpayers' money.

A law providing for the guaranty of

deposits in State banks was demanded and the people mean it. The National platform and the State platform demanded this legislation, because the people demand it and have the right to demand it. The depositors have asked for a bank guaranty law. Not a bond law, with only the right to bring a suit. Such a plan as proposed is, I believe, a sham and a fraud that would liquidate every State bank in Texas, notwithstanding it may have the support of good men, who are themselves deceived as to the practicability of such a scheme. Those who believe that such a subterfuge can be justified before the people are deceiving themselves. When the people deposit their savings in a bank, they have a right to security, and when the State authorizes a corporation to receive such deposits, it is in duty bound to provide appropriate safeguards for the stockholders and depositors. When the bank lends its money, it requires ample security, and should do so. When a bank holds the people's money for profit, it should give the depositors appropriate security. The guaranty of deposits demanded by the National and State platforms, contemplates a guaranty system by which each bank shall be guaranteed by all banks to the extent of the fund provided for that purpose, and that an adequate fund can be created and maintained by law with only slight burdens upon the banks, cannot be denied. As the law now stands, nobody is protected but the banker, and we will fall short of our duty to the people, if we fail to protect the depositors and their savings by an effective law. The system proposed by the Democratic platforms would make our banking system better and stronger, it will give stability and confidence, and stimulate development all along the line. I have taken the Democratic party at its word, and have reason to believe that legislators holding Democratic commissions, are in duty bound to keep the faith.

Your Regular Session of sixty days was expensive and of little value to the people. Not a single platform demand was enacted into law; one was defeated, and you adjourned without even considering the appropriation bill; whereupon the lobby applauded and it is not strange that you received through the newspapers the felicitations of the chairman of the Republican Executive Committee of this State. Under the circumstances, it was my plain duty to call an extra session of the Legislature, and this I did, to the end that the people may have

the laws that they needed and had demanded. Good men and sterling Democrats, in both the Senate and the House of Representatives have battled at every step during the Regular and Called Sessions for just laws, good government, and for the integrity of the Democratic party. The records of these loyal Democrats have been written in the proceedings of the Legislature and an appreciative constituency will reward them, just as surely as they will smite the public servants who betrays them.

Probably the boldest, the most arrogant and the most formidable lobby made up of the combined selfish interests, that ever assembled at the capital, gathered here upon the assembling of the Thirty-first Legislature to pester you and to hinder and defeat the popular will. Just what they have done, I do not know; but that they are still hovering about this capital, I do know.

The legitimate representative of a legitimate interest is entitled to be heard, and there are those who have come here in an orderly and in a legitimate way and have been heard before committees upon subjects of legislation. Upright men upon legitimate missions here are entitled to be heard and are entitled to courteous treatment on our part, but the professional lobbyist, who deals in deception and fraud, and whose mission is to defeat and throttle the will of the people, should have no part in making the laws or fixing the policy of our State, but should be driven from the presence of honest men.

Altogether your honorable bodies have been in continuous Regular and Called Sessions since January 12. It will hardly be denied that everything that has been done in the way of legislation by the Regular or Called Session could have been done in ten days, and then the appropriation bill could have been considered and passed. And it cannot be denied that everything demanded by the Democratic platform, together with all other needed legislation, could have been properly considered and disposed of in less than one-half the time that this Legislature has been in session.

Trainload jaunts over the State, frequent adjournments, filibustering, and the interference of a trained and organized lobby, sent here by selfish interests which combined in an effort to defeat all legislation in behalf of the masses of the people, have so far contributed to the failure of the Legislature to meet the full expectations of the people. This condition makes another called session absolutely necessary. Nearly ninety

days—and probably the most expensive ninety days in the history of legislation in Texas—has been consumed and much of that which should have been done long ago, remains for another called session. Without ill will towards anyone, and only with feelings of deep regret for conditions, to the creation of which I did not contribute, I have addressed this message to the Legislature.

Actuated by a sense of duty to the people, who have honored me and are trusting me, I have undertaken to meet the situation and deal with it as I find it. If the Democratic party is to be ignored and discredited, and if the people are betrayed, I am determined in so far as I am able, to fix the responsibility. If there are those who may thus prove themselves unworthy of the people's confidence, the people will and should know them. The overwhelming majority of the membership of the House of Representatives, and many of the members of the Senate are to be commended for the splendid record made during the Called Session. I have always believed, and still believe, that a majority of the members of this Legislature, taken as a whole, are true to the people, and I hope and believe that they will yet find a way by which they may redeem their own pledges, and the pledges of the Democratic party made to the masses of the people of our State. The issue here is understood by the people.

T. M. CAMPBELL,

Governor of Texas.

At the conclusion of the reading of the above message, Senator Senter moved that the message be referred to a Special Committee of five Senators, to be appointed by the Chair, for the purpose of consideration.

Senator Brachfield made the point of order on the motion, that the Senate had no right to refer same to a committee, and that nothing could be done with it save printing same in the Journal.

Senator Watson made a point of order to the point of order that the message by the Governor did not come within the constitutional power providing for the Governor to present messages to the Legislature, in that it did not submit subjects for legislation.

Pending discussion on the matter, the Chair, Lieutenant Governor Davidson, held that the motion of Senator Senter, that the message be referred to a Special Committee, was in order, in that the message did not recommend legisla-

tion, etc., which had the effect of overruling the point of order by Senator Brachfield and sustaining the one by Senator Watson.

Senator Cofer offered the following motion, as a substitute:

"I move, as a substitute, that the message of the Governor be printed in the Journal of the Senate for the information of the Senate."

Senator Senter made the point of order on the substitute, that it was not a substitute, in that the message would be printed in the Journal anyway, which point of order was sustained. Senator Murray also made a like point of order, and both were ruled on at the same time.

Action then recurred on the motion by Senator Senter, and pending discussion, Senator Alexander moved the previous question on the pending motion by Senator Senter, which motion being duly seconded, was so ordered by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—2.

Bryan.

Terrell of Bowie.

Absent.

Sturgeon.

Action then recurred on the motion by Senator Senter to refer the message to a Special Committee for the purpose of consideration, etc.

The motion was adopted by the following vote:

Yeas—17.

Adams.	Meachum.
Greer.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.
Kellie.	Perkins.
Masterson.	Senter.

Stokes. Weinert.
Terrell of McLennan. Willacy.
Watson.

Nays—12.

Alexander.	Holsey.
Brachfield.	Mayfield.
Bryan.	Terrell of Bowie.
Cofer.	Thomas.
Harper.	Veale.
Hayter.	Ward.

Present—Not Voting.

Real.

Absent.

Sturgeon.

In accordance with the above motion, the Chair announced the following as the committee as provided for:

Senators Senter, Alexander, Perkins, Terrell of Bowie and Veale.

REASONS FOR VOTING.

We vote "nay" because we think the Governor is clearly within his constitutional rights in sending his message to the Legislature, and because we believe the Governor is right in the fight he has made and is making for the platform demands. The message should be simply printed in the Journal, and we are opposed to the unusual and wholly unnecessary course of sending the message to a committee and to this unprecedented attack upon the Governor.

COFER.
HOLSEY,
BRYAN,
WARD.

HOUSE BILL NO. 55.

Action recurred on House bill No. 55, the question being on the amendment by Senator Hayter, which amendment was adopted.

Senator Terrell of McLennan offered the following amendment, which was adopted:

Amend the bill, page 12, Section 27, line 20, by adding thereto the following: "Provided, that the expense of such examination shall be limited to \$50."

Senator Terrell of Bowie offered the following amendment, which was adopted:

Amend the bill by striking out of Sec-

tion 7, page 3, all between the words "association," in line 12, and the second word "the," in line 14, and insert in lieu thereof the following: "And all benefit certificates shall from the date of their issuance be non-contestable on account of any statements or representations made by the applicant in his application for membership or in his medical examination, unless such representations shall be material to the risk assumed, and shall have been made with fraudulent intent, and the burden of proof shall be upon the defendant to affirmatively show such defense."

Senator Hayter offered the following amendment, which was read and adopted:

Amend Section 34 of House bill No. 55 by adding at the end of said section the following: "All certificates of authority for agents or solicitors shall be issued by the Commissioner upon application made therefor by any of the general officers of the association or by any agent whom the properly authorized governing body of the association has by resolution filed with the Commissioner of Insurance and Banking duly empowered to make such application and all such certificates shall be revoked by the Commissioner upon the request of the association, and may be revoked for cause upon like ground and in like manner as the certificates of authority of agents for life insurance companies, under the laws of this State. All such certificates shall be renewed annually and shall expire on the last day of February of each year and a fee of \$1.00 shall be paid for the use of the State for the issuance of each such certificate."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 29 the following: "Provided, that the total cost of this examination shall never in any one year exceed the sum of \$50."

Senator Senter offered the following amendment, which was read and adopted:

Amend House bill No. 55, Section 30 line 4, by inserting after the word "law" the following words: "Or to pay off and satisfy any execution that may lawfully issue on any final judgment against it within sixty days after the officer holding such execution has demanded payment thereof."

Senator Alexander offered the following amendment, which was read and adopted:

Amend bill by striking out all of Section 25 after the word "date," in line 32,

page 11, of the printed House bill, and insert a period for the comma.

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 33, by substituting the words "three hundred" for the words "five hundred" wherever they occur and by substituting for the figures "\$500,000" the figures "\$300,000."

SENTER,

TERRELL of McLennan.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, Section 10, page 3, of House bill (printed), line 40, the word "provincial," and out of line 1, page 4, the words "township," "park," and by striking out of line 1, same page, the word "or" before the word "school," in same line.

Senator Cofer offered the following amendment, which was read and adopted:

Line 22, page 3, House bill, striking out the commas after the word "association" in line 22, and insert in lieu thereof a period. Then strike out the remainder of the sentence down to and including the word "thereof" in line 24.

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 8, page 3, by adding at end of section the following: "Provided it shall never be necessary for such association to accompany its contract, policy or certificate with a copy of the application for such policy, contract or certificate, nor with a copy of all questions and answers thereto."

Bill read second time and passed to a third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Stokes.

Terrell of McLennan. Ward.
Thomas. Watson.
Veale. Willacy.

Absent.

Brachfield. Terrell of Bowie.
Masterson. Weinert.
Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—1.

Murray.

Absent.

Brachfield. Sturgeon.
Masterson. Weinert.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 66.

On motion of Senator Watson, the pending order of business (House bill No. 34) was suspended, and the Senate took up, out of its order, House bill No. 66, by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Brachfield. Sturgeon.
Masterson.

On motion of Senator Watson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Brachfield. Sturgeon.
Masterson.

The Chair laid before the Senate, on second reading,

House bill No. 66, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being an act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax, etc., and declaring an emergency."

There being an adverse majority committee report, recommending a favorable substitute bill, and a favorable minority committee report,

Senator Watson moved to adopt the majority committee report, and

Senator Alexander moved, as a substitute, to adopt the minority committee report.

Action recurred on the substitute motion first, which was lost by the following vote:

Yeas—10.

Alexander.	Mayfield.
Bryan.	Perkins.
Cofer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.

Nays—16.

Adams.	Paulus.
Greer.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Sturgeon.

PAIRED.

Senator Veale (present), who would vote "yea," with Senator Masterson (absent), who would vote "nay."

Senator Watson (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

The majority committee report was then adopted.

Senator Alexander offered the following amendment:

Amend the substitute bill by striking out the words "twelve o'clock midnight" and the word "midnight" wherever they occur in the bill and inserting in lieu thereof the words "ten o'clock p. m."

On motion of Senator Watson, the amendment was tabled by the following vote:

Yeas—15.

Adams.	Paulus.
Greer.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—11.

Alexander.	Perkins.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Ward.
Mayfield.	

Absent.

Sturgeon.

PAIRED.

Senator Veale (present), who would vote "nay," with Senator Masterson (absent), who would vote "yea."

Senator Watson (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

Senator Watson moved the previous question on the engrossment of the bill, which motion, being duly seconded, was so ordered.

Bill read second time, and passed to third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Brachfield.
Masterson.

Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Brachfield.
Masterson.

Sturgeon.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Hume, the Senate recessed until 4 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 11, 1909.

To the Legislature.

For your information I have the honor to transmit copy of proclamation convening the Thirty-first Legislature in Special Session on Monday, April 12, 1909, at 10 o'clock a. m. The subjects designated for legislation will be found in the proclamation.

T. M. CAMPBELL,
Governor of Texas.

"I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a special session of the Thirty-first Legislature to convene in the city of Austin, Texas, beginning at 10 o'clock a. m., Monday, April 12, 1909, for the following purposes, to-wit:

"First—To make appropriations for the support of the State government and State institutions for the two years beginning September 1, 1909, and for other purposes usually covered by appropriation bills, and to observe proper economy in making such appropriations.

"Second—To make appropriations for the payment of deficiencies.

"Third—To enact laws providing for the prompt establishment of an effective system for the guaranty for the deposits of the State banks of Texas, and to provide for all necessary supervision, examination and control of all banking corporations and banks doing business in this State, except national banks.

"Fourth—To consider and act upon such other matters as may hereafter be presented, pursuant to Section 4, Article 3 of the Constitution of the State of Texas.

"In testimony whereof, I have hereunto set my hand and caused the seal of the State of Texas to be affixed at

Austin, Texas, this, the 11th day of April, A. D. 1909.

T. M. CAMPBELL,
Governor of Texas.

"By the Governor:
W. B. TOWNSEND,
Secretary of State."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on Senate bill No. 12.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House requests the Senate to appoint a new Free Conference Committee on Senate bill No. 4, a like committee has been appointed on part of the House: Messrs. Luce, Canales, Mason, Tarver and Stratton have been appointed on said committee.

Also concurs in Senate amendments to House bill No. 55.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

SENATE BILL NO. 12—FREE CONFERENCE COMMITTEE REPORT ON.

Here Senator Watson presented the report of the Free Conference Committee on Senate bill No. 12.

NOTE.—The report is not printed here, by order of the Senate, but is printed, as adopted, in the later proceedings of today.

Pending the reading of the above report, on motion of Senator Watson, the same was dispensed with.

Senator Harper moved that the Senate do not adopt the report, and asked for a new Free Conference Committee.

The motion by Senator Harper was adopted.

(President Pro Tem. Brachfield in the chair.)

The Chair appointed the following as the Free Conference Committee: Senators Meachum, Harper, Watson, Hume and Terrell of Bowie.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House rescinds its action upon adopting the Free Conference Committee report on Senate bill No. 12, and grants the request of the Senate for a new Free Conference Committee. The following has been appointed on part of the House: Messrs. Crockett of Mitchell, Aston, Jenkins, Bell and Maxwell.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RECESS.

On motion of Senator Hudspeth, the Senate, at 6:15 o'clock, recessed until 8 o'clock tonight.

AFTER RECESS—NIGHT SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 66 by the following vote: Yeas, 65; nays, 33.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 4—REQUEST OF HOUSE FOR FREE CONFERENCE COMMITTEE GRANTED.

Senator Watson called up, as a privilege matter, the request of the House for a new Free Conference Committee on Senate bill No. 4 (see House Message No. 1 for request of), and moved that the Senate grant the request of the House for the new Free Conference Committee.

The motion was adopted.

The Chair, upon the request of the House for a new Free Conference Committee on Senate bill No. 4, made the following statement:

The Governor of this State having submitted this morning a communication addressed to the Legislature of Texas in which great reflection is made upon the honor and integrity of as good men and as good Democrats as can be found in the State of Texas or in the Democratic party, and in which he sees fit to make the following statement:

"A law providing for the guaranty of deposits in State banks was demanded and the people mean it. The National platform and the State platform demanded this legislation, because the people demand it and have the right to demand it. The depositors have asked for a bank guaranty law. Not a bond law, with only the right to bring a suit. Such a plan as proposed is, I believe, a sham and fraud that would liquidate every State bank in Texas, notwithstanding it may have the support of good men who are themselves deceived as to the practicability of such a scheme. Those who believe that such a subterfuge can be justified before the people are deceiving themselves."

The Legislature certainly has the right to construe the Democratic platform recommendations as well as has the Chief Executive of this State, and the statement above quoted is an unjust reflection upon the committee heretofore appointed, who, according to their votes heretofore cast, believe that the position of the Senate is not only in compliance with the platform recommendations, but would be a safe and sound policy, not only for State banks, but other banks doing business in Texas, and could not destroy or injure any legitimate business enterprise in this State, but would be a plan in harmony with the best interests of State banks and certainly protect all depositors from loss and be in harmony with the general policy of this State, not to destroy unnecessarily any business institutions legitimately conducting

business within the borders of our Commonwealth.

Therefore the Chair declines to do otherwise than to appoint the committee heretofore appointed to adjust the differences between the House and the Senate, because to do so means to reflect not only upon the honesty of purpose of this committee under the charge above quoted, but also upon their democracy, both of which no man has heretofore seen fit to criticize. The Chair will, therefore, appoint Senators Senter, Watson, Hume, Hudspeth and Sturgeon as the committee.

A. B. DAVIDSON,
President of the Senate.

SENATE BILL NO. 12—FREE CONFERENCE COMMITTEE REPORT ON.

By Senator Meachum:

Committee Room.

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences existing between the two houses on Senate bill No. 12, beg leave to report back the following bill as an adjustment of the differences:

A BILL

To Be Entitled

An Act providing for the appointment of official stenographers for district and county courts and county courts at law by the judges thereof, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of making up and filing statements of facts and bills of exception in cases tried in such courts, and repealing Chapter 24 of the Acts of the First Called Session of the Thirtieth Legislature of Texas, and all other laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of preserving a record in all cases for the information of the court, jury and parties, the judges of the district courts in all judicial districts of this State com-

posed of only one county, or of only a portion of one county and of all other district courts sitting in the same counties therewith may appoint official shorthand reporters for such courts, who shall be well skilled in their profession, who shall be sworn officers of the courts, and shall hold their office during the pleasure of the court. In all other judicial districts the district judges thereof may appoint official shorthand reporters if in their judgment such appointment is necessary, and in the event of such appointment the terms of this act shall apply.

Sec. 2. Before any person is appointed an official shorthand reporter under the provisions of this act he shall be examined as to his competency by a committee to be composed of at least three members of the bar practicing in said court, such committee to be appointed by the judge thereof. The test of competency of any applicant for the position of official shorthand reporter shall be as follows: The applicant shall write in the presence of such committee at the rate of at least 130 words per minute for five consecutive minutes from questions and answers not previously written by him, and in computing the number of words written the words "Questions" and "Answers" appearing in the official shorthand reporter's transcript shall not be counted, and shall transcribe the same with accuracy. If the applicant passes this test satisfactorily, a majority of the committee shall furnish him with a certificate of that fact, which shall be filed among the records of the court, and shall be recorded by the clerk of the court in the minutes thereof. Upon the occasion of subsequent appointments the presentation of a certified transcript from the clerk of the court of the certificate above mentioned shall be taken as prima facie evidence of the applicant's competency; provided, however, that if the applicant shall have been an official stenographer of any district court of this State for not less than two years prior to the filing of his application for said appointment, then such examination by said committee, as herein provided, shall not be necessary.

Sec. 3. Before any person shall assume the duties of official shorthand reporter under the provisions of this act, he shall, in addition to the oath required of officers by the Constitution, subscribe to an oath, to be administered to him by the clerk of any district court, to the effect that he will well and truly

and in an impartial manner keep a correct record of all evidence offered in any case which may be reported by him, together with the objections and exceptions thereto which may be interposed by the parties to such suit, and the rulings and remarks of the court in passing on the admissibility of such testimony.

Sec. 4. It shall be the duty of the official shorthand reporter to attend all sessions of the court; to take full shorthand notes of all oral testimony offered in every case tried in said court, together with all objections to the admissibility of testimony, the rulings and remarks of the court thereon, and all exceptions to such rulings. If during the trial of any cause, either party thereto or his attorney, shall desire to have the evidence already adduced upon the trial, or any part thereof, read over to him, he shall request such official shorthand reporter to read the same from his notes, and it shall be the duty of such reporter to comply with such request, and in case he shall fail or refuse so to do, he shall be removed from his official position as court reporter, in case it shall be found by a committee of three disinterested practicing attorneys of the county wherein such failure or refusal occurred, to be appointed by the court, that such failure or refusal was intentional and without justification; to preserve all shorthand notes taken in said court for future use or reference for at least one year, and to furnish to any person a transcript in question-and-answer form of all such evidence or other proceedings, or any portion thereof, upon the payment to him of the compensation hereinafter provided.

Sec. 5. In case an appeal is taken from the judgment rendered in any case, the official shorthand reporter shall transcribe the testimony and other proceeding recorded by him in said case in the form of questions and answers, provided the same is requested by either party to the suit, certifying that such transcript is true and correct, and shall file the same in the office of the clerk of the court within such reasonable time as may be fixed by written order of the court, said transcript shall be made in duplicate, to be paid for by the party ordering the same, on delivery, and the amount so paid shall be taxed as costs.

Sec. 6. Upon the filing in the office of the clerk of the court by the official shorthand reporter of his transcript as provided in Section 5 of this act, the

party appealing shall prepare or cause to be prepared a statement of facts in duplicate, which shall consist of the evidence adduced upon the trial, both oral and by deposition, stated in a succinct manner and without unnecessary repetition, together with copies of such documents, sketches, maps and other matters as were used in evidence. It shall not be necessary to copy said statement of facts in the transcript of the clerk on appeal, but the same shall, when agreed to by the parties and approved by the judge, or in the event of a failure of the parties to agree and a statement of facts is prepared and certified by the judge trying the case, be filed in duplicate with the clerk of the court and the original thereof shall be sent up as a part of the record in the cause on appeal. Provided, however, that the official shorthand reporter shall, when requested by the party appealing, prepare under the direction of the party appealing a statement of facts in narrative form, in duplicate, and deliver same to the party appealing, for which said statement of facts he shall be paid the sum of ten cents per folio of 100 words for the original copy and no charge shall be made for the duplicate copy; provided such amount shall not be taxed as costs in the case, if a transcript of the testimony in the form of questions and answers has been theretofore filed with the clerk and taxed as costs.

Sec. 7. When an appeal is taken from the judgment rendered in any cause in any district court or county court, the parties to the suit shall be entitled to and they are hereby granted thirty days after the day of adjournment of court in which to prepare and file a statement of facts and bills of exception; and upon good cause shown the judge trying the cause may extend the time in which to file a statement of facts and bills of exception. Provided, that the court trying such cause shall have power in term time or in vacation, upon the application of either party, for good cause, to extend the several times as hereinbefore provided for the preparation and filing of the statement of facts and bills of exception, but the same shall not be so extended so as to delay the filing of the statement of facts, together with the transcript of the record, in the appellate court within the time prescribed by law, and when the parties fail to agree upon a statement of facts, and that duty devolves upon

the court, the court shall have such time in which to do so, after the expiration of the thirty days as hereinbefore provided, as the court may deem necessary, but the court, in such case, shall not postpone the preparation and filing of such statement of facts and bills of exceptions so as to delay the filing of same, together with a transcript of the record in the appellate court within the time prescribed by law. Provided, if the term of said court may by law continue more than eight weeks, said statement of facts and bills of exception shall be filed within thirty days after final judgment shall be rendered unless the court shall by order entered of record in said cause extend the time for filing such statement and bills of exception.

Sec. 8. The official shorthand reporter shall receive a per diem compensation of \$5.00 for each and every day he shall be in the actual discharge of his duties in reporting cases in the court for which he is appointed, or in performing service under the actual direction of the judge of such court, upon work by such judge deemed necessary. Such compensation shall be paid monthly by the commissioners court of the county in which said court sits, out of the general fund of the county, upon the certificate of the district judge. He shall also receive from persons ordering transcripts of his notes the sum of ten cents per folio of one hundred words.

If the said official shorthand reporter shall, within the judgment of the court, have rendered more services to the court in the discharge of his duties than the terms of this bill shall provide for, then, and in that event the district judge shall certify to the commissioners court of each county in his district, six months after the taking effect of this act, and at the end of every six months thereafter, whether or not in his judgment the compensation is commensurate with the services performed, and if not, that the certificate of said judge shall state the amount that in his judgment the said official shorthand reporter should receive from each of the counties in the district, and same shall be a claim against the county, to be allowed, or rejected, by the commissioners court as other claims against the counties. Provided, that when any criminal case is appealed and the defendant is not able to pay for a statement of facts, or to give security therefor, he may make affidavit of such facts, and upon the mak-

ing and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in civil cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such defendant be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

In any civil case where the appellant or plaintiff in error has made the proof required to appeal his case without bond, such appellant or plaintiff in error may make affidavit of such facts and upon the making and filing of such affidavit, the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in other cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such appellant or plaintiff in error be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

Sec. 9. At the request of any person it shall be the duty of the official shorthand reporter to make a transcript in typewriting of all the evidence and other proceedings, or any portion thereof, either in question and answer form or in narrative form, in any case, which transcript shall be paid for at the rate of ten cents per folio of 100 words by and be the property of the person ordering the same.

Sec. 10. Hereafter the clerks of all courts having official shorthand reporters as provided for in this act shall tax as costs in each civil case now or hereafter pending in such courts, except suits for the collection of delinquent taxes, and except suits which are not contested, a stenographer's fee of three dollars, which shall be paid as other costs in the case, and which shall be paid by said clerk, when collected, into the general fund of the county in which said court sits, except cases in which the district court has no original jurisdiction.

Sec. 11. The official shorthand reporter may, with the consent of the court, appoint one or more deputies when necessary to assist him in the discharge of his duties, provided, however, that before any such deputy shall enter upon the discharge of his duties as official shorthand reporter he shall subscribe to the same oath hereinbefore provided for for the official shorthand reporter and shall also be required to stand such ex-

amination as to his proficiency as may be required by the court.

Sec. 12. It shall be the duty of each official shorthand reporter to file with the district clerk of each county of his district annually upon the first Monday in January an itemized statement, verified by affidavit, showing all sums collected by him as per diem or other compensation during the preceding year, giving the name of the person paying each sum and the date of payment of same.

Sec. 13. Whenever either party to a civil cause pending in the county court or county court at law shall apply therefor, the judge of the court shall appoint a competent stenographer to report the oral testimony given in such cause. Such stenographer shall take the oath herein prescribed, and shall receive such compensation as the court may fix, to be not less than five dollars per day, which shall be taxed and collected as costs. The provisions of this act with respect to the preparation of the statement of facts, the time to be allowed therefor, and for the presentation to the opposite party, and the approving and filing thereof by the court shall apply to all statements of facts in civil causes tried in the county court and county court at law; and all other provisions of law governing statement of facts and bills of exception to be filed in district courts and the use of the same on appeal, shall apply to civil causes tried in the county courts and county courts at law.

Sec. 14. That Chapter 24, page 509. Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, providing for the appointment of court stenographers, prescribing their duties and regulating their charges, and all other laws or parts of laws in conflict with this act, be and the same are hereby expressly repealed; provided, however, that nothing in this act shall be so construed as to prevent parties from preparing statements of facts on appeal independent of the transcript of the notes of the official shorthand reporter. Provided, the provisions of this act as to preparing and filing statement of facts and bills of exception shall apply only to cases hereafter tried; as to cases heretofore tried the law now in force shall govern.

Sec. 15. In the trial of all criminal cases in the district court in which the defendant is charged with a felony, the official shorthand reporter shall keep an accurate stenographic record of all the

proceedings of such trial in like manner as is provided for in civil cases, and should an appeal be prosecuted in any judgment of conviction whenever the State and defendant can not agree as to the testimony of any witness, then and in such event so much of the transcript of the official shorthand reporter's report with reference to such disputed fact or facts shall be inserted in the statement of facts as is necessary to show what witnesses testified to in regard to the same, and constitute a part of the statement of facts, and the same rule shall apply in the preparation of bills of exceptions; provided, that such stenographer's report, when carried into the statement of facts or bills of exceptions, shall be condensed so as not to contain the questions and answers, except where, in the opinion of the judge such questions and answers may be necessary in order to elucidate the fact or question involved; provided, that in all cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, that the official shorthand reporter shall be required to furnish the attorney for the said defendant, if convicted, and where an appeal is prosecuted, with a transcript of his notes, for which said service he shall be paid, by the State of Texas, upon the certificate of the district judge, one-half of the rate provided for herein in civil cases.

Sec. 16. The fact that the present law relating to the appointment of official stenographers does not provide a proper standard of competency and does not provide a sufficient length of time in which to prepare and file statements of facts and bills of exceptions in cases on appeal, thereby causing confusion and dissatisfaction, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

Respectfully submitted,

WATSON,
HARPER,
HUME,
TERRELL of Bowie,
MEACHUM,

On part of the Senate.

JENKINS,
MAXWELL,
BELL,
CROCKETT of Mitchell,
ASTON,

On part of the House.

Pending the reading of the report, on

motion of Senator Meachum, the same was dispensed with.

Senator Harper moved that the Free-Confidence Committee report on this bill, which was submitted to the Senate earlier in the day, and which the Senate refused to adopt, but expunged from the Journal.

The motion was adopted.

The report was adopted by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Nays—1.

Holsey.

Absent.

Brachfield.	Sturgeon.
Cofor.	Willacy.
Stokes.	

REPORT OF SPECIAL COMMITTEE.

(Majority report.)

By Senator Senter:

Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your special committee, to whom was referred the communication of the Governor of even date herewith, have had the same under consideration, and beg leave to submit the following report:

Upon inspection of the communication we find that the Governor states in said communication that "I have interpreted the Democratic platform without the aid of the liquor lobby, the railroad lobby, or of the Commercial Secretaries' lobby, which last mentioned instrument is the nucleus around which is gathered every selfish interest now represented at the capital. Its headquarters established in Austin upon the assembling of this Legislature, with the evident purpose of directing legislation, is supported from

a source unknown to you or to me. We can only surmise from the character of its work." And the motto of said Commercial Secretaries is claimed to be "Fewer Laws and Better Laws" or "pass the appropriation bill and come home." And we further find the following reference to said lobby, to-wit:

"Probably the boldest, the most arrogant and the most formidable lobby, made up by the combined selfish interests, that ever assembled at the capital, gathered here upon the assembling of the Thirty-first Legislature to pester you and to hinder and defeat the popular will. Just what they have done, I do not know; but they are still hovering about this capital, I do know."

And from a full inspection of said communication it is found that the Governor makes no charge that any member of this Legislature has been unduly influenced by any other motive than what such members honestly believed to be right, but that said communication is an arraignment of those organizations and interests which are opposed to his policies, and of the Legislature generally for not having passed the Democratic platform demands, or what the Governor construed to be such demands. We do not believe that the Governor charges nor do we think there is any reason for us to believe that any member of this Senate has been improperly influenced.

Therefore, we recommend that said communication of the Governor comes within his constitutional right and does not reflect on any member of the Legislature, and should be printed in the Journal, and that no further action be had thereon.

Respectfully submitted,
TERRELL of Bowie,
ALEXANDER,
VEALE.

(Minority Report.)

Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your committee, to which was referred the message of the Governor bearing date of April 10th, beg leave to submit the following report:

Under the provisions of Article 4, Section 9, of the Constitution it is provided that: "The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information by message of the condition of the State; and he shall recom-

mend to the Legislature such measures as he may deem expedient."

Article 3, Section 40, of the Constitution provides: "When the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session or presented to them by the Governor."

A careful examination of the message shows that it does not relate in any matter which would be presentable to the Legislature under the foregoing provisions of the Constitution. We are unable to find any provision in the Constitution for this discussion of measures which have lately been under consideration by the Legislature, and untimely and undignified upbraiding of its membership.

We think it unnecessary for the Legislature to take cognizance of the sinister insinuations contained in this document. An investigation was lately conducted under authority of the Senate of insinuations similar to those contained in this message, and if the Executive knew of any testimony bearing upon these matters which was not brought to the attention of that committee, he should then have submitted such facts to the committee. The Governor is charged by the Constitution with the duty of causing the laws to be faithfully executed. No such duty is vested in the Legislature. If the Governor is aware of any violation of the laws, it would be more appropriate, we suggest, to bring such violations to the attention of the executive officers under his immediate supervision and control than to present such matters to the Legislature.

The complaint of the Executive that the Senate has not always agreed with his views and with his interpretation of democratic platform is well based. It is contemplated by the Constitution that such differences may arise. We can discover no trace in that instrument of any lodgment of legislative power in the Governor other than the right to make recommendations to the Legislature and to exercise the veto power. It is unnecessary, at this time, to discuss the details of proposed legislation concerning which the Executive and the Senate have disagreed. Conscious of the rectitude of our own purposes and with a firm belief in the integrity of the Senate as a whole, we merely submit that the politician of

high or low degree who resorts to base and unfounded insinuations to escape the consequences of his own blunders or to revenge himself upon those who have not bowed to his command, is not likely to be accepted by the people of Texas as a just and a safe advisor. They are competent to pass judgment upon all issues, and they will not be deflected from a full investigation of every question upon its merits by tricks and artifices which have become too common in this State.

The experience of many years and many peoples has confirmed the wisdom of our system which separates the government into three co-ordinate branches, and guards with jealous care against encroachment by either upon the prerogatives of the other. Wherever popular government under whatever name has perished from the earth, its decline began with the usurpation of legislative power by the Executive.

SENTER,
PERKINS.

Senator Senter moved to adopt the minority report, and Senator Terrell of Bowie moved, as a substitute, to adopt the majority report.

Action recurred on the substitute motion first, which was lost by the following vote:

Yeas—12.

Alexander.	Peeler.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Veale.
Mayfield.	Ward.

Nays—12.

Adams.	Murray.
Greer.	Paulus.
Hudspeth.	Perkins.
Hume.	Senter.
Kellie.	Watson.
Masterson.	Weinert.

Present—Not Voting.

Real.

Absent.

Harper.	Terrell of McLennan.
Sturgeon.	Willacy.

The vote being a tie, Lieutenant Governor Davidson, presiding, voted "nay" and declared the motion lost.

PAIRED.

Senator Brachfield (present), who would vote "yea," with Senator Meachum (absent), who would vote "nay."

Action then recurred on the motion to adopt the minority report, which motion was adopted by the following vote:

Yeas—13.

Adams.	Paulus.
Greer.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	

Nays—13.

Alexander.	Peeler.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Harper.	Thomas.
Hayter.	Veale.
Holsey.	Ward.
Mayfield.	

Absent.

Sturgeon.	Willacy.
Terrell of McLennan.	

PAIRED.

Senator Brachfield (present),* who would vote "nay," with Senator Meachum (absent), who would vote "yea."

The vote being a tie, Lieutenant Governor Davidson, presiding, voted "yea" and declared the motion adopted.

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 12.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives

PRESIDENT PRO TEM.—ELECTION OF.

In accordance with the provisions of the Constitution, the Chair announced that the election of a President Pro Tem. of the Senate was in order, whereupon Senator Paulus placed in nomina-

tion for that place, Senator E. I. Kellie of Jasper county.

The nomination was seconded by Senators Veale, Adams and Hume.

There being no other nominations, the Chair declared nominations closed.

Senators Hume, Adams and Paulus were appointed as tellers.

Senator Kellie received 25 votes, all the votes cast, and was declared duly and constitutionally elected President Pro Tem. of the Senate.

The Chair requested Senators Weinert, Veale and Murray to escort Senator Kellie to the President's stand.

Senator Kellie, on receiving the gavel, thanked the Senate for the honor conferred on him.

The Chair then administered the constitutional oath of office to President Pro Tem. Kellie.

HOUSE NOTIFICATION COMMITTEE.

A committee of three members of the House of Representatives here appeared at the bar of the Senate and notified the Senate that the House of Representatives had completed its duties and was ready to adjourn.

(President Pro Tem. Kellie in the chair.)

SENATE BILL NO. 4—FREE CONFERENCE COMMITTEE REPORT.

Committee Room,

Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee on Senate bill No. 4, beg leave to report that we have had the same under consideration, and that we have been unable to agree upon recommendations for the adjustment of the differences between the House and Senate relating to said bill.

SENER,
HUME,
WATSON,
HUDSPETH,
STURGEON,

On the part of the Senate.

CURETON,
RAYBURN,
MOBLEY,
JENNINGS,

On the part of the House.

Senator Terrell of Bowie moved that the Senate concur in the House amendments to Senate bill No. 4.

Senator Watson made the point of order that the report just read was the report of the first Free Conference Committee appointed, but that the second committee had the bill in their hands.

The Chair sustained the point of order.

COMMITTEE TO NOTIFY THE HOUSE OF ADJOURNMENT.

Senator Hudspeth here moved that the Chair appoint a committee to notify the House of Representatives that the Senate had completed its labors and was ready to adjourn. The motion was adopted and the Chair appointed Senators Hudspeth, Hume and Perkins.

Pending a short delay, the above committee made their report and was discharged.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 55, "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."

House bill No. 66, "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations, and associations of persons selling spirituous, vinous and malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquor exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof," etc.

(By President Pro Tem. Brachfield:)

Senate bill No. 26, "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

Senate bill No. 12, "An Act providing for the appointment of official shorthand reporters for districts by judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

SINE DIE ADJOURNMENT.

There being no further business before the Senate, and the notification committees having made their report, the Chair (President Pro Tem. Kellie) here announced the hour of 12 o'clock p. m., the time set for sine die adjournment, had arrived, and, in accordance with the constitutional provisions governing special sessions, pronounced the First Called Session of the Thirty-first Legislature adjourned without day.

APPENDIX.

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 66, A bill to be entitled "An Act to amend Chapter 138 of the

Acts of the Thirtieth Legislature, approved April 18, 1907, the same being an 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and association of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this act, and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a, 24b and 35a, prescribing the method and procedure of which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this act, and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act,

and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency."

Have had the same under consideration, and recommend that it do not pass, but that the following committee substitute do pass in lieu thereof:

"An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being an 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and association of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this act, and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this

act, and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,"

And be not printed.

HARPER, Chairman.

Amend House bill No. 66, by striking out all after the words "A bill to be entitled," and insert in lieu thereof the following:

An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing and occupation tax upon persons, firms, corporations and association of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a

and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duty of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 138 of the Acts of the Thirtieth Legislature, entitled "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell malt liquors exclusively capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, provided same is not sold to be drunk on the premises where sold, and otherwise regulating the business of such wine growers; regulating the transfer of licenses of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license upon the death of the licensee; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and pro-

viding penalties for the violation of the provisions of this act, and declaring an emergency," be so amended as to hereafter read as follows:

Section 1. Hereafter there shall be collected from every person, firm, or association of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in this State, not located in any county or subdivision of a county, justice precinct, city or town where local option is in force under the laws of Texas, an annual tax of three hundred and seventy-five (\$375) dollars on each separate establishment as follows: For selling such liquors or medicated bitters in quantities of one gallon or less than one gallon, three hundred and seventy-five (\$375) dollars; for selling such liquors or medicated bitters in quantities of one gallon or more than one gallon, three hundred and seventy-five (\$375) dollars; providing that in selling one gallon the same may be made up of different liquors in unbroken packages aggregating not less than one gallon; for selling malt liquors exclusively, \$62.50; provided, further, that nothing in this article shall be so construed as to exempt druggists who sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, on the prescription of a physician or otherwise, from the payment of the tax herein imposed; provided, further, that this article shall not apply to the sale by druggists of tinctures and drug compounds, in the preparation of which such liquors or medicated bitters are used and sold on the prescription of a physician or otherwise, and which tinctures and compounds are not intoxicating beverages prepared in the evasion of the provisions of this chapter nor the local option law. The commissioners court of the several counties in this State shall have the power to levy and collect from every person or association of persons selling spirituous, vinous or malt liquors or medicated bitters, a tax equal to one-half of the State tax herein levied; and where any such sale is made in any incorporated city or town, such city or town shall have the power to levy and collect a tax upon such sale equal to that levied by the commissioners court of the county in which such city or town is situated; provided that where any special charter gives the right to any city to refuse a license for the sale of intoxicating liquors, no license issued on behalf of

the State or county shall become operative therein until a license therefor has been issued by such city.

Sec. 2. A retail liquor dealer is a person or firm permitted by law, being licensed under the provisions of this act, to sell spirituous, vinous and malt liquors, and medicated bitters capable of producing intoxication, in quantities of one gallon or less which may be drunk on the premises. Any person who sells intoxicating liquors in quantities less than one gallon shall be governed by the provisions of this law and be required to take out license hereunder.

Sec. 3. A retail malt dealer is a person or firm permitted by law, being licensed under the provisions of this act, to sell malt liquors capable of producing intoxication exclusively in quantities of one gallon or less which may be drunk on the premises.

Sec. 4. No person shall directly or indirectly sell spirituous or vinous liquors capable of producing intoxication in quantities of one gallon or less without taking out a license as a retail liquor dealer. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$500, nor more than \$1000, and by imprisonment in the county jail for a term not to exceed six months.

Sec. 5. No person shall sell directly or indirectly, malt liquor capable of producing intoxication in quantities of one gallon or less without taking out a license as a retail malt dealer; provided that this section shall not apply to a retail liquor dealer, and that a retail liquor dealer's license shall be construed to embrace a retail malt dealer's license. Any person who shall violate the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$250, nor more than \$500, and by imprisonment in the county jail for a term not exceeding ninety days.

Sec. 6. This act shall not be so construed as to deny the right of wine growers to sell wine of their own production in any quantity without license; provided that such wine grower shall not permit nor suffer any wine so sold by him to be drunk on his premises; and provided, further, that this section shall not be so construed as to give any wine grower the right to sell any wine to any minor without the permission of the parent, master or guardian of such

minor first had and obtained, or any habitual drunkard, after being notified by any relative of such drunkard not to make such sale, gift or disposition. Every wine grower who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than \$25, nor more than \$100, or by imprisonment in the county jail during a term not to exceed three months, or by both such fine and imprisonment.

Sec. 7. No retail liquor dealer nor retail malt dealer shall carry on said business at more than one place at the same time under the same license, nor shall any such license be voluntarily assigned more than once, but before the assignee of such license can engage in business thereunder he shall comply with the provisions of this act as required of the original licensee, and provided further, that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution or mortgage, and the purchaser of such license at such sale shall have the right to surrender such license to the State or county which issued the tax receipt which is the basis therefor and shall receive therefor the pro rata unearned portion of such license; provided further, that should said original licensee or his assignee desire to change the place designated in said license he may do so by applying to the county judge as in case of original application for license as provided in Section 9 of this act, but it shall not be necessary to furnish another certificate from the Comptroller of Public Accounts.

Sec. 8. Any person or firm having a license as a retail liquor dealer or a retail malt dealer who shall violate any of the provisions of this act, or the provisions or conditions of the liquor dealer's bond required by this act to be given by such person or firm, shall forfeit his or their license as a retail liquor dealer or retail malt dealer, as the case may be; and if affidavit is filed by any property taxpaying citizen in the office of the clerk of the county court that such person or firm, having either of such license has been guilty of violating any of the provisions of this act, or the provisions or conditions of said liquor dealer's bond, it shall be the duty of the judge of said county court to immediately cause to be issued a notice in writing to such person or firm so hav-

ing such license, notifying them of the filing of such affidavit, and it shall also be the duty of the judge of said county court to set a time for the hearing of said affidavit and evidence upon the same at a time not less than six days, nor more than ten days, after the date of filing of said affidavit, and upon the hearing of said affidavit and the proof for and against the same, if it shall be determined that said person or firm so having such license has violated any of the provisions of this act, or any of the provisions or conditions of their said liquor dealers' bond, then it shall be the duty of the judge of said court to enter an order on the minutes of said court declaring the said license forfeited and said license shall be cancelled from said date. In case it is determined that the said person or firm so having such license has violated any of the provisions of this act, or any of the provisions or conditions of his said liquor dealer's bond, it shall be the duty of the clerk of said court to immediately notify the Comptroller of Public Accounts of the State of Texas, at Austin, Texas, of the result of such hearing. It shall be the duty of the county attorney to prosecute all complaints made as hereinbefore provided for, or in any other manner in this act provided for, against any person or firm engaged in the business of a retail liquor dealer or a retail malt dealer, as the case may be, at the time which is designated by the county judge for the hearing of said complaint, in case either party makes affidavit showing good cause why he can not at that time try the matters in issue, then said hearing may be postponed for a time not to exceed three days, and provided that no more than two postponements shall be granted to either party.

Sec. 9. That any person, or persons, desiring to obtain a "retail liquor dealer's license" in this State, or a "retail malt dealer's license," shall before filing his, or their petition for such license with the county judge as now provided by this act, make application under oath, to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

"To the Comptroller of Public Accounts of the State of Texas:

I (or we)and.....
of the county of
State of Texas, hereby apply for a

permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers) under the laws of this State, said business to be conducted at No. street, in in the county of, State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place; that I (or we) have resided for the past two years in county, State of Texas, and during said time have been engaged in the business of; that I am (or we are) not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested or to be interested in the proposed business; that I (or we) have not since the first day of May, A. D. 1909, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12 o'clock midnight on Saturday and between that hour and 5 o'clock a. m. of the following Monday of any week; or since said date, either in person or by agent or employe, knowingly sold or permitted to be sold or given away in or near any such place of business, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of 21 years, or to any student of any institution of learning or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard, or permitted any person not over the age of 21 years to enter and remain in such house or place of business or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a 'retail malt dealer's

license any other liquors than those defined by the law as 'malt liquors.'

"And if the permission herein sought be granted and the said retail license be issued, I (or we) will not either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open house or place where liquors shall be sold under such license for the sale thereof or transact such business in such house or place of business after 12 o'clock midnight on Saturday and between that hour and 5 o'clock a. m. on the following Monday of any week; or knowingly sell in or near any such place of business or give away, or permit to be given away, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer, by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or permit any person not over the age of 21 years to enter and remain in such house or place of business, or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business or rent or let any part of the house or place of business in which such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind (and if the application be for a 'retail malt dealer's' license it shall further state that he or they under the said license will not sell any other liquors than those defined by law as 'malt liquors').

"And it is hereby agreed that if the license to be applied for be issued, that the same will be issued upon condition that it shall remain in force only so long as I (or we) observe and carry out each and all of the declarations herein made, and that in the event I (or we) violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this act, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited

to the State and county or city to whom paid; and that I (or we) will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller cancelling and rescinding such license shall be annulled, in case such licenses shall have been cancelled by the Comptroller.

.....
 "Sworn to and subscribed before me,
 a within and for the county
 of State of Texas, by
 on this, the day of
 19...

.....
 "L. S. Signature of officer."

That upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same, and if he is satisfied that such applicant is entitled to such permit, he shall upon the payment to him by the applicant of \$2.00, issue to him such permit, under his hand and the seal of his office which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant, and the said permit, together with the certified copy of said application, shall be filed with the county judge, together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge, and no petition for license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Sec. 9a. That in addition to the power conferred by this act upon the county judge to cancel or revoke license, the Comptroller of Public Accounts of the State of Texas shall likewise have power to cancel or revoke such license in the following manner:

If the Comptroller shall at any time be advised or receive information that any person or persons to whom a retail liquor dealer's license or retail malt dealer's license has been issued, has violated any of the conditions and provisions set out in the application filed with the Comptroller for a permit to apply for such license, as provided in Section 9 of this act, it shall be his duty

to at once institute an inquiry and ascertain, if possible, the names and residences of all persons who know of and will testify to the facts concerning such violation; and if it shall be necessary in making such inquiry to do so, he may call to his aid the State Revenue Agent, whose duty it shall be upon the request of the Comptroller to make a careful investigation of the charges and ascertain the names of the persons by whom such facts can be proven; and neither the Comptroller nor the State Revenue Agent shall disclose the name of any person who shall become an informer, or who shall aid in securing the names of such witness or evidence relating to such matters.

Sec. 9b. That upon securing the names of such witnesses it shall be the duty of the Comptroller to, in his discretion, either notify the county judge of the proper county of the alleged violation of this act by the licensee or to issue a commission addressed to an officer to be selected by the Comptroller, who is authorized under the laws of this State to take depositions in the county in which the place of business is located where he is advised such violation occurred, stating therein the violation of the law charged and the name or names of the persons charged therewith and directing him to take the deposition of the witnesses named in the commission, and the depositions of such other persons as may be required or necessary, and when such depositions are taken to return the same to the Comptroller in like manner as is provided by law governing the taking of depositions in civil suits in this State.

Provided, that if the Comptroller shall notify the county judge as above provided, it shall be his duty to proceed at once to cause to be instituted against such licensee the proper proceedings in his court as provided by this act, and if the county judge shall within ten days after receiving such notice cause to be instituted against such licensee the proper proceedings in his court, then the Comptroller shall proceed no further in the premises, but if the county judge shall upon receiving such notice fail or refuse to cause such proceedings to be instituted against the licensee or should the Comptroller elect to proceed himself without notifying the county judge, then in either of such cases the Comptroller shall proceed himself as in this act provided.

Sec. 9c. That upon receipt of said commission such officer shall set a day for taking the depositions of the witnesses and shall issue a subpoena commanding them to appear before him and testify on said day; and place the same in the hands of the proper officer for service on said witnesses; and shall also notify the county attorney of such county of the time when and the place where said depositions shall be taken, requesting him to appear at said time and place and interrogate said witnesses; and he shall also notify the person or persons who are charged with having conducted such business in violation of the law and whose conduct is to be investigated, of the character of the charge and of the time and place where said investigation will be conducted, and that he or they shall have the right to appear in person or by attorney and cross-examine the said witnesses, and if they so desire to testify themselves or to offer the testimony of other witnesses relating to the matter under investigation; and the person whose conduct is to be investigated shall have the right to all proper process to compel the attendance of witnesses whose testimony he may desire.

Sec. 9d. If the said witnesses shall fail to obey the said subpoena, then the said officer shall issue and cause to be served upon them attachments to compel their attendance, and he may punish them for contempt for failure to attend and testify as provided by law in case of taking depositions in civil suits in this State.

Sec. 9e. If the county attorney shall fail or refuse to appear and conduct the examination of said witnesses, the said officer authorized to take such depositions may appoint some practicing attorney of said county to act in the absence of the county attorney, as special county attorney, and the said officer taking the depositions shall have the power, independently of the county attorney or any other person, to interrogate the witnesses so as to develop fully the facts.

Sec. 9f. At the time fixed the said officer shall proceed to take the depositions of said witnesses in answer to oral questions to be propounded to them, and shall cause the questions and answers to be written down and the depositions to be subscribed and sworn to by the witnesses, respectively, as provided by law for taking depositions, and such officers shall make a thorough investiga-

tion of the facts relating to the charges and he may summon other witnesses than those whose names have been furnished to him, and when the taking of the testimony is concluded, and the depositions subscribed and sworn to by the witnesses, he shall certify thereto and shall seal up the commission, together with the depositions in an envelope or package in like manner as is required by law in returning depositions in civil suits in this State, and deposit the same in the postoffice, postage prepaid, addressed to the Comptroller of Public Accounts of the State of Texas, at Austin, Texas.

Sec. 9g. That upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and if he shall determine from the preponderance of the credible evidence therein contained, that, at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted was kept open and business conducted therein after midnight on Saturday and between that hour and 5 o'clock a. m. on the following Monday of any week; or that any intoxicating liquors or medicated bitters capable of producing intoxication were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the sheriff or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard not to sell same to him, or that any person not over the age of 21 years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those defined by law

as malt liquors, he shall rescind, vacate and withdraw such license and shall issue a certificate in triplicate under his hand and the seal of said office, declaring the rescission of such license, theretofore issued to such person or persons, one copy of which certificate shall remain on file in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Sec. 9h. That any person feeling himself aggrieved by the action of the Comptroller in vacating, annulling and rescinding such license under this act, may bring suit in the district court of the county of his residence, in Texas, against the Comptroller to reinstate such license, but the business conducted under such license shall be suspended during the pendency of such suit, and shall not be reopened unless the order of the Comptroller shall be set aside by final judgment of the proper court, but if such order shall be by a final judgment set aside, then such licensee shall have the right to pursue such occupation under such license without paying any additional tax for a period to be added to the time of the license equal to the time his right to do business was suspended.

Sec. 9i. That the county attorney or his substitute shall receive \$5.00 per day for attending the taking of depositions and interrogating the witnesses during the time necessarily consumed in the investigation herein provided for; the officer taking the deposition shall receive the same fees as are provided by the law for taking depositions, and the witnesses shall receive the same fees provided in criminal cases, the amount of which shall be fixed by the certificate of the officer taking the depositions, and shall

be paid by the State upon warrants issued by the Comptroller.

Sec. 9j. The Comptroller of Public Accounts of the State of Texas shall not issue any permits to any person or firm for any city or town or justice precinct of any county in excess of the number of permits actually issued and existing on the 20th day of February, 1909, in such city or town or justice precinct, respectively, unless such number of permits are less than one for each 500 inhabitants, in which event he shall, if applied for, issue permits not exceeding one for each 500 inhabitants of such city or town or justice precinct. In case the number of permits issued and existing on the 20th day of February, 1909, for each said city or town or justice precinct is in excess of one for each 500 inhabitants, the number of permits existing on the 20th day of February, 1909, as applied for, shall be granted, but that number shall not be increased until the number of inhabitants of such city or town or justice precinct increases to the extent that the permits issued and actually in existence on February 20, 1909, is less than one for each 500 inhabitants, but the provisions of this section shall not apply to hotels now in existence or which may hereafter be opened, when located in the business section of a city or town, having a population of over 20,000, and provided, that in granting permits for licenses as a retail liquor dealer or a retail malt dealer the Comptroller of Public Accounts shall give preference to those applicants who apply for a permit to do business at the places and locations in said city or town or justice precinct where permits had heretofore been issued and granted; provided, further, that at least one permit may be issued in any city, town or justice precinct, when local option is not in force. The population of each city, town or justice precinct in the State shall be ascertained by the commissioners court of such county at the August term thereof of each and every year, in the following manner: It shall be the duty of the superintendent of public instruction for such county, upon the request of such commissioners court to inform such commissioners court of the total school census of each city and town and justice precinct, and it shall be the duty of the commissioners court in determining the population of such city, town or justice precinct to estimate the population at

the rate of six persons for every one name on such scholastic census, and upon such basis, at the August term of said court of each and every year, to ascertain and determine the population of such city, town and justice precinct, and to enter an order and decree upon the minutes of said court finding and determining what such population is, and shall send a certified copy thereof to the Comptroller of Public Accounts of the State of Texas.

Sec. 10. Any person or firm desiring a license as a retail liquor dealer or as a retail malt dealer, may in vacation or in term time file a petition with the judge of the county court of the county in which he desires to engage in such business, which petition shall have attached thereto as exhibits, the permit and copy of application required by Section 9 hereof, and shall state that the applicant is a law-abiding, taxpaying male citizen of the State of Texas, over the age of 21 years, and has been a resident of the county wherein such license is sought for more than two years next before the filing of such petition; that his license as a retail liquor or retail malt dealer has not been revoked or forfeited within five years next before the filing of such petition; that he desires a license as a retail liquor dealer or as a retail malt dealer, as the case may be, specifically stating the place where such business is to be conducted, describing with reasonable certainty the house or place wherein the same is to be conducted, and if the place of business be in any block or square of any town or city where there are more bona fide residences than there are business houses in said block or square, or in any block where there is a church or school, then said petition shall be accompanied with written consent of a majority of the bona fide householders or residents in said block or square, who have resided for at least six months preceding such application within 300 feet of such place of business. Upon the filing of the petition herein provided for, the county judge shall set the same for hearing at a time not less than ten nor more than twenty days from the filing of same, and if, upon the trial or hearing thereof, he finds that facts stated in said petition are true and that the same is accompanied by the permit aforesaid, he shall grant a license such as prayed for; provided, however, that upon the filing of such petition, the

clerk of the county court shall give notice of the filing thereof, by posting on the court house door a written notice of such petition, together with the substance thereof; and the petition when filed shall remain with said clerk until the same is acted upon by the county judge and shall be open to the inspection of any person desiring to see the same. And any resident taxpaying citizen residing or owning property in the block or square where said business is to be conducted, or any such citizen residing or owning property within 300 feet of the proposed place of business, or the county or district attorney shall be permitted to contest the facts stated in such petition and the applicant's right to obtain the license sought, upon giving security for all costs which may be incurred in such suit, should the same be decided in favor of applicant; provided, no county nor district attorney shall be required to give bond for such costs, but the county or State, as the case may be, shall be liable therefor.

Sec. 10a. The county judge shall in no case grant a license in any village, town or city, where the proposed place of business is within 300 feet of a church, school or other educational or charitable institution, the measurements to be along the property lines of the street fronts, and from front door to front door, and in a direct line across intersections where they occur; provided, the proposed place of business is not within a business block, or within 300 feet thereof, as such block is defined in Section 10 hereof.

Section 11. Upon the hearing of the petition, as provided in Section 10 hereof, the county judge shall determine the truth or falsity of the facts alleged, and shall render his judgment granting or refusing the license accordingly, and shall cause the same to be recorded at length, in a book kept for that purpose, which book shall be a record of said court and shall be preserved by the clerk as an archive of his office.

Sec. 12. Upon the granting of a license by the county judge, as provided by law, the clerk shall furnish the applicant with a certified copy of the judgment, which, when exhibited to the county tax collector of the license tax herein provided for, said collector shall receive said license tax and issue to such applicant his receipt therefor, showing the amount paid, date of payment, for

what paid, whether retail liquor dealer or retail malt dealer's license, and where such business is to be conducted.

Sec. 13. Upon the presentation to the county clerk by the applicant of the tax collector's receipt, provided for in the preceding section, and delivery to him of the bond provided for in Section 15 of this act, he shall examine such bond and receipt, and if such bond conforms to the provisions of said Section 15 hereof, and if the said receipt conforms to the judgment authorizing the same, he shall issue to the applicant the proper license, which shall be by him signed, be under the seal of his office, be dated, state on its face for what it is issued, the date when it will expire, by whom and where such business is to be conducted, and shall describe the place where the same is to be kept.

Sec. 14. That every person or firm having a license under the provisions of this act, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises (in any locality of this State, other than where local option is in force) shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 12 o'clock midnight until 5 o'clock a. m., of each week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 12 o'clock midnight Saturday until 5 a. m., of the following Monday of each week, and any such person or firm or his or their agent or employe, who shall open or keep open, or permit to be opened or kept opened, any such house or place of business for the purpose of traffic, or who shall sell or barter any intoxicating liquor of any kind, or who shall transact or permit to be transacted therein or therefrom any such business between the hours aforesaid, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

Sec. 15. That every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of

\$5000; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of \$1000, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit before some officer authorized to administer oaths, that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they sign as sureties, and no county judge shall approve any such bond unless the affidavit as provided for in this section shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond, and any person who shall make any false affidavit as required by this act shall be punished as provided for in the Penal Code of this State; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge, which bond shall be conditioned that said person or firm so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof or transact such business in such house or place of business after 12 o'clock midnight on Saturday and between that hour and 5 o'clock a. m. on the following Monday of any week; and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell or permit to be sold in his or their house or place of business, nor give nor permit to be given any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of 21 years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing through the sheriff or other peace officer by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two

years, not to sell to any such person, and that he or they will not permit any person under the age of 21 years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate the liquors sold by them in any manner, by mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind; which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose, for which service said clerk shall be entitled to a fee of 75 cents, which said bond may be sued on at the instance of any person or persons aggrieved by the violation of its provisions, and such person shall be entitled to recover the sum of \$500 as liquidated damages for each infraction of the conditions of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorney, or either of them, to institute suit thereupon, or any person owning real property in the county, may institute suit thereupon, in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs, and the amount of \$500 as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond upon the breach of any of the conditions thereof; and hereafter when any recovery is had by any person or by any county or district attorney for the use and benefit of the county in any action in any court of competent jurisdiction upon the bond of any person or

firm engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold or permitted to be sold, or gave or permitted to be given any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard after having been notified in writing not to sell to such habitual drunkard or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by the law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business or any part thereof for such purpose or purposes, the license of such person or firm shall by reason of such recovery, be forfeited, revoked and cancelled and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and cancelled such license, and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters, in any quantity, to be drunk on the premises, without first giving bond as required by this act, or who shall sell the same after said license shall have been forfeited, revoked or cancelled, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for sales where no license has been obtained.

An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of, or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold, to be drunk on the premises.

A quiet house or place of business in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or

place of business, or those passing along the streets or public highways.

By an orderly house is meant one in which no prostitutes or lewd women or woman are allowed to enter or remain; and it is further provided, that said house must not contain any vulgar or obscene pictures.

Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and by filing with the county judge an affidavit that such notice has been given, and if within five days after such notice the principal fails to make a new bond he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given, and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured, provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided, further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there is good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this act shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this act to any person who has been convicted of a felony and served such term of conviction.

Sec. 16. In the event of the death of any licensee under this act, leaving an unearned portion of any license issued under this act, the heirs, executors, administrators or legal representatives of such deceased person may present the license of such person to the State and county and receive payment of the unearned portion of such license tax collected by them, respectively.

Sec. 17. The clerk of the county court shall make out a statement of all such licenses granted by him and the amount paid the collector on each for State and county taxes and report the same to the Comptroller of Public Accounts of the State.

Sec. 18. That hereafter when the license issued to any person or firm to

engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in the locality other than where local option is in force, has been declared forfeited, by either the county or district court, revoked or cancelled, it shall be the duty of the clerk of the county or district court to immediately certify such forfeiture under the seal of such court to the Comptroller of Public Accounts of the State of Texas, which said certificate shall state the date of such forfeiture, the number and the nature of the cause, and the name and residence of the licensee or defendant, the name of the person and style of the firm, and the names and places of residence of the individual members of any such firm or the name and place of residence of any such person, as the case may be, as shown by the application for license filed by such person or firm in the county court, for which service the clerk shall receive a fee of \$1, to be taxed against the defendant or defendants. And it shall be the duty of the Comptroller upon receiving any such certificate to file and record the same in a book to be kept by him for such purpose, and he shall likewise record all such forfeitures by him made and thereafter no permit or license shall be issued to any such person or firm or to any member of any such firm to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or malt liquors exclusively, within the period of five years from and after the date of entry of such forfeiture.

Sec. 19. Every retail liquor dealer or malt liquor dealer, or other person who shall knowingly sell, give away, deliver or otherwise dispose of, or suffer the same to be done, about his premises, any intoxicating liquor in any quantity to any minor, or who shall have in his employ about his place of business, or who shall permit any minor to enter and loaf or remain in his place of business, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than \$10 nor more than \$200, or by imprisonment in the county jail for not longer than sixty days, or by both such fine and imprisonment.

Sec. 20. Any sale, gift or other disposition of intoxicating liquors knowingly made to any minor, or to any habitual drunkard, or on any Sunday or

years, not to sell to any such person, and that he or they will not permit any person under the age of 21 years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate the liquors sold by them in any manner, by mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind; which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose, for which service said clerk shall be entitled to a fee of 75 cents, which said bond may be sued on at the instance of any person or persons aggrieved by the violation of its provisions, and such person shall be entitled to recover the sum of \$500 as liquidated damages for each infraction of the conditions of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorney, or either of them, to institute suit thereupon, or any person owning real property in the county, may institute suit thereupon, in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs, and the amount of \$500 as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond upon the breach of any of the conditions thereof; and hereafter when any recovery is had by any person or by any county or district attorney for the use and benefit of the county in any action in any court of competent jurisdiction upon the bond of any person or

firm engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold or permitted to be sold, or gave or permitted to be given any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard after having been notified in writing not to sell to such habitual drunkard or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by the law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business or any part thereof for such purpose or purposes, the license of such person or firm shall by reason of such recovery, be forfeited, revoked and cancelled and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and cancelled such license, and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters, in any quantity, to be drunk on the premises, without first giving bond as required by this act, or who shall sell the same after said license shall have been forfeited, revoked or cancelled, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for sales where no license has been obtained.

An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of, or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold, to be drunk on the premises.

A quiet house or place of business in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or

place of business, or those passing along the streets or public highways.

By an orderly house is meant one in which no prostitutes or lewd women or woman are allowed to enter or remain; and it is further provided, that said house must not contain any vulgar or obscene pictures.

Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and by filing with the county judge an affidavit that such notice has been given, and if within five days after such notice the principal fails to make a new bond he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given, and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured, provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided, further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there is good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this act shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this act to any person who has been convicted of a felony and served such term of conviction.

Sec. 16. In the event of the death of any licensee under this act, leaving an unearned portion of any license issued under this act, the heirs, executors, administrators or legal representatives of such deceased person may present the license of such person to the State and county and receive payment of the unearned portion of such license tax collected by them, respectively.

Sec. 17. The clerk of the county court shall make out a statement of all such licenses granted by him and the amount paid the collector on each for State and county taxes and report the same to the Comptroller of Public Accounts of the State.

Sec. 18. That hereafter when the license issued to any person or firm to

engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in the locality other than where local option is in force, has been declared forfeited, by either the county or district court, revoked or cancelled, it shall be the duty of the clerk of the county or district court to immediately certify such forfeiture under the seal of such court to the Comptroller of Public Accounts of the State of Texas, which said certificate shall state the date of such forfeiture, the number and the nature of the cause, and the name and residence of the licensee or defendant, the name of the person and style of the firm, and the names and places of residence of the individual members of any such firm or the name and place of residence of any such person, as the case may be, as shown by the application for license filed by such person or firm in the county court, for which service the clerk shall receive a fee of \$1, to be taxed against the defendant or defendants. And it shall be the duty of the Comptroller upon receiving any such certificate to file and record the same in a book to be kept by him for such purpose, and he shall likewise record all such forfeitures by him made and thereafter no permit or license shall be issued to any such person or firm or to any member of any such firm to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or malt liquors exclusively, within the period of five years from and after the date of entry of such forfeiture.

Sec. 19. Every retail liquor dealer or malt liquor dealer, or other person who shall knowingly sell, give away, deliver or otherwise dispose of, or suffer the same to be done, about his premises, any intoxicating liquor in any quantity to any minor, or who shall have in his employ about his place of business, or who shall permit any minor to enter and loaf or remain in his place of business, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than \$10 nor more than \$200, or by imprisonment in the county jail for not longer than sixty days, or by both such fine and imprisonment.

Sec. 20. Any sale, gift or other disposition of intoxicating liquors knowingly made to any minor, or to any habitual drunkard, or on any Sunday or

election day by an agent, clerk or other person acting for any retail liquor dealer or retail malt dealer, or other person, shall be deemed and taken to be for all purposes of this act, as the act of such retail liquor dealer or retail malt dealer or other person.

Sec. 21. Any person or firm doing business under a retail malt dealer's license in this State who shall sell any spirituous or vinous liquors other than those defined by law as malt liquors, shall upon conviction therefor, be punished by a fine of not less than \$100 nor more than \$300, and by imprisonment in the county jail not less than thirty days nor more than six months, and shall in addition to the punishment herein prescribed forfeit his license as a retail malt dealer, and the court in which such conviction is had shall cause such forfeiture to be entered in the judgment of conviction, and such retail malt dealer shall henceforth be deemed to have no license, and the clerk of said court shall certify such forfeiture to the Comptroller of Public Accounts, as elsewhere herein provided.

Sec. 22. No retail liquor dealer's nor retail malt dealer's license shall be issued to any person whose license as either a retail liquor dealer or retail malt dealer has been revoked or forfeited within five years before the filing of his application for license, or who has had in his employ in his business of retail liquor dealer, or retail malt dealer, any person whose license has been revoked or forfeited within five years next before the filing of such application.

Sec. 23. No license shall be granted to any person as a retail liquor dealer or as a retail malt dealer who shall have carried on any such business after the expiration of his license previously issued and without having received a license for such purpose, or whose license shall have been revoked or forfeited under the provisions of this act, within five years before the filing of his application for such license. No license shall be issued to any person to do business as a retail liquor dealer or retail malt dealer in any house or building used for the purpose of prostitution or as a house of assignation, or as a house of ill-fame, or gambling house. If, after a license has been issued to a retail liquor dealer or retail malt dealer, the building in which the same is located shall be used for the above mentioned

purpose, or any of them, with the knowledge and consent of such licensee, his license may be revoked, as hereinafter provided.

Sec. 24. It shall be unlawful for any retail liquor dealer or retail malt dealer to use, exhibit, suffer to be kept, exhibited or used in his place of business any piano, organ or other musical instrument whatever, for the purpose of performing upon or having the same performed upon in such place, or to permit any sparring, boxing, wrestling or any other exhibition or contest or cock fight in his place, or to set up, keep, use or permit to be kept or used in or about the said premises, or by any other person, or to run or to be run in connection with such place of business, in any manner or form whatever, any billiard table, pool table or gaming table, bowling or ten pin alley, cards, dice, dominoes or any other device for gaming or playing any game of chance, or to permit any person to play at, on or with such tables, alleys, cards, dice, dominoes or other device of any kind. Any retail liquor dealer or retail malt dealer violating any of the provisions of this section shall upon conviction be fined in a sum not less than \$25 nor more than \$200, or by imprisonment in the county jail for not longer than thirty days, or both such fine and imprisonment.

Sec. 25. No retail liquor dealer or retail malt dealer shall employ or suffer to be employed other than a member of his family, any female as a servant, bartender or waitress in his place of business, nor permit on said premises any dancer, singer or lewd woman, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for not more than twelve months, or by a fine not exceeding \$500, or both such fine and imprisonment.

Sec. 26. It shall be unlawful for any retail liquor dealer or retail malt dealer to sell, give away, or otherwise dispose of, or suffer the same to be done about his premises, any intoxicating liquors to any habitual drunkard after he shall have been notified by the wife, father, mother, brother, sister, child or guardian of such person not to sell, give away or furnish to such person any intoxicating liquors, and any retail liquor dealer or retail malt dealer violating this section shall be fined not less than \$25 nor more than \$200, or by imprison-

ment in the county jail for not exceeding six months, or punished by both such fine and imprisonment.

Sec. 27. This act, or any of the provisions thereof, shall not be construed to be in conflict with any local option law now or hereafter to be in force in this State, and no license to any retail liquor or retail malt dealer shall be issued or shall be effective at any place where local option law is in force and operation.

Sec. 28. Any license required by this act shall be posted in some conspicuous place in the house where the business or occupation for which such license is necessary, is carried on, before engaging in such business or occupation, and any person so licensed who fails to so post the same shall be fined not exceeding \$100.

Sec. 29. It shall be unlawful for any retail liquor dealer or retail malt dealer to sell or offer for sale any intoxicating liquors at any place where people have assembled for religious worship, or for educational or literary purposes, or in any election precinct on any election day, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$50, nor more than \$200, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

Sec. 30. The county clerk of any county in this State where intoxicating liquors are sold, having a population of more than 50,000 inhabitants shall make out a list of all persons then having a license under the provisions of this act, and shall deliver the same to each grand jury empaneled in such county. Said list shall be arranged in alphabetical order; shall give the names of the persons to whom same were issued, the date of its issue, the date it will expire, stating whether the same is a retail liquor dealer's or retail malt dealer's license, and shall describe where said license was to be used.

Sec. 31. The judges of the district courts in this State shall give this act in special charges to each grand jury empaneled in their respective districts.

Sec. 32. The county clerk, county judge and other officers shall receive for services rendered in the carrying out of this law such fees as are now allowed by law for similar services.

Sec. 33. In case the license of any

retail liquor dealer or retail malt dealer is forfeited under any of the provisions of this act, nevertheless such licensee shall be authorized to sell or dispose of in bulk any stock of intoxicating liquors he may have on hand at the time such license is forfeited.

Sec. 34. The term "intoxicating liquor," as used in this act, shall be construed to mean fermented, vinous or spirituous liquors or any composition of which fermented, vinous or spirituous liquors is a part; and all of the provisions of this act shall be liberally construed as remedial in character.

Sec. 35. All laws and parts of laws in conflict with this act are hereby expressly repealed; provided, all of the provisions relating to the sale of intoxicating liquors contained in any special charter granted by the Legislature to any city or town shall not be repealed by this act, but the same shall be cumulative thereof; provided, that as soon as this law goes into effect all licenses heretofore issued shall immediately cease and determine, but the holders of such licenses shall have until sixty days after this act takes effect in which to obtain licenses under this act, said licenses to be dated as of the date this act takes effect, and the tax collector shall give such licensee credit for the unearned portion of such cancelled license as of the date this act takes effect; and provided, during said sixty days said licensee shall have the right to pursue his business under and in accordance with the cancelled license and the laws applicable to the same, which for that purpose are hereby kept in force for said sixty days.

Sec. 35a. If, for any reason, any section or part of this act shall be held by the courts to be unconstitutional or invalid, then that fact shall not invalidate any other part of this act, but the same shall be enforced without reference to the parts, if any, which shall be so held to be invalid, unless the entire act shall be held to be invalid.

Sec. 36. The fact that the present law is defective, and that the calendar is greatly crowded, and the end of the session is near at hand, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act should be in force from and after its passage, it is therefore hereby so enacted.

(Minority Report.)

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 66, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being an 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and association of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication," etc.

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

ALEXANDER,
COFER,
STURGEON.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills, to whom was referred

Senate bill No. 85, "An Act creating and incorporating the Bronte Independent School District, in Coke county, Texas," etc.,

Have carefully compared same, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills, to whom was referred

Senate bill No. 50, "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills, to whom was referred

Senate bill No. 86, "An Act creating and incorporating the Robert Lee Independent School District," etc.,

Have carefully compared same, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills, to whom was referred

Senate bill No. 79, "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared House bill No. 24, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan,
Chairman.

Following is the enrolled bill in full:

Senate bill No. 24.

An Act declaring corporations, receivers, or other persons operating railroads in this State, to be liable to employees for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow and children, or husband and children, and mother and father of the deceased; and if none, then of the next of kin dependent upon such employees; prescribing the effect of

contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases and which was actually paid to the injured party, and exempting such recovery from the debts of the deceased, and providing that the recovery shall be apportioned by the jury, or court trying the case without a jury, among those entitled to recover; providing how and by whom suit may be brought, and also that nothing in this act shall impair any right under any other law of this State or of the United States, or in any way interfere with any proceeding now pending in any court, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That every corporation, receiver or other person operating any railroad in this State, shall be liable in damages to any person suffering injury while he is employed by such carrier operating such railroad; or, in case of the death of such employe, to his or her personal representative for the benefit of the surviving widow and children and husband and children, or mother and father of the deceased, and if none, then of the next kin dependent upon such employe for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employes of such carrier, or by reason of any defect or insufficiency due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves or other equipment; provided, the amount recovered shall not be liable for the debts of deceased and shall be divided among the persons entitled to the benefit of the action, or such of them as shall be alive, in such shares as the jury or court trying the case without a jury, shall deem proper, and provided in case of the death of such employe the action may be brought without administration by all the parties entitled thereto, or by one or more of them for the benefit of all, and if all parties be not before the court the action may proceed for the benefit of such of said parties as are before the court.

Sec. 2. That in all actions hereafter brought against any such common car-

rier by railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employe, or where such injuries have resulted in his death, the fact that the employe may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employe; provided, that no such employe who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violations by such common carrier of any statute enacted for the safety of employes contributed to the injury or death of such employe.

Sec. 3. That any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of any of its employes, such employe shall not be held to have assumed the risks of his employment in any case where the violation of such common carrier of any statute enacted for the safety of employes contributed to the injury or death of such employe.

Sec. 4. That any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void; provided, that in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit or indemnity that may have been paid to the injured employe or the person entitled thereto on account of the injury or death for which said action was brought.

Sec. 5. That nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employes under the assumed risk law enacted by the Twenty-ninth Legislature and known as Chapter 163, page 386 of the General Laws of the Twenty-ninth Legislature, any other act or acts of the Legislature of this State, though in case of conflict this law shall prevail, or to affect the prosecution of any pending proceeding or right of action under the laws of this State.

Sec. 6. The fact that a conflict may arise between the Federal courts and the courts of this State in construing the Federal and State statutes of this State in suits against common carriers

by employes for damages on account of personal injuries, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 64, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 64. By Hudspeth.

An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State; providing appropriation to carry this law into effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter when any indigent person suffering from tuberculosis and is sojourning in any other county than his residence makes application for financial relief to any county health officer or commissioner court of any county in this State before any relief is granted he shall make an affidavit that he is indigent and unable to provide for himself, when such affidavit is made it shall be the duty of the county health officer or county judge to forthwith notify the State Health Officer of the case, giving the name of the patient and the place of his residence. If such patient is a bona fide citizen of any county within the State of Texas, it shall be the duty of the State Health Officer, and he shall have the power, to purchase a ticket for said patient and furnish him with sufficient additional means to purchase food en route to his former home and return such patient thereto.

Sec. 2. An appropriation of \$20,000 is hereby made from the general revenue of this State, not otherwise appropriated, for the purpose of carrying this law into effect and shall be paid out upon the warrant of the Comptroller upon the verified account of the person receiving the aid approved by the State Health

Officer and the county judge of the county where such patient is so temporarily sojourning.

Sec. 3. The fact that many persons of indigent circumstances go to the counties in the western part of the State seeking relief from the dreadful disease of tuberculosis and soon become charges on the charity of the people of that section of the State, creating demands upon the humanitarianism and benevolence of such people far beyond their ability to meet all such requirements, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 35, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 35. By Brachfield et al.

An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 402 of Chapter 6, Title 11, Penal Code, as amended in Chapter 40 of the General Laws of the Twenty-eighth Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Article 402. If any person shall sell any intoxicating liquor in any county, justice precinct, school district, city or town or subdivision of a county in which the sale of intoxicating liquors has been prohibited under the laws of this State, or if any person shall give away any intoxicating liquor in any such county, justice precinct, school district, city or town or subdivision of a county, with the purpose of evading the provisions of said law, he shall be punished by confinement in the penitentiary not less than one nor more than three years: provided the penalties as now provided by law shall remain in force in such

political subdivisions wherein the sale of intoxicating liquors is now prohibited by law and this act shall have force and effect and in the counties, justice precincts, cities, towns and subdivisions hereafter voting to prohibit the sale of intoxicating liquors. Upon complaint under oath by any credible person being filed with any county judge or justice of the peace, describing the place where it is believed by the person making the complaint that intoxicating liquor is being sold or given away in violation of law, such county judge or justice of the peace shall issue his warrant directing and commanding the sheriff or any constable of his county to search such place, and if the law is being violated, to arrest the person so violating it, and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant, to seize all intoxicating liquors found therein and arrest and bring before the county judge or justice who issued the writ all persons connected with such business, either as proprietor, manager, clerk or other employe, and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. In prosecutions under this article where it is proven that there is posted up at the place where such intoxicating liquor is being sold or given away with the purpose of evading the provisions of the law, United States internal revenue liquor and malt license to any one, it shall be prima facie proof that the person to whom such license is issued is engaged in the sale of intoxicating liquor."

Sec. 2. The fact that the existing law does not provide sufficient punishment for the unlawful sale and gift of intoxicating liquors in territory where prohibition is in force, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 69, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 69.

By Masterson.

An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor of Texas shall, as soon as practicable after the taking effect of this bill, appoint a commission to consist of the State Health Officer and two other citizens of the State of Texas, for the purpose of selecting a site for the erection of an institution to be known as the State Home for Lepers; such commission shall report within thirty days to the Governor their selection, which selection shall consist of not less than 100 acres of land, which said site shall not be less than five miles distant from any town or city within this State, and not less than one mile distant from any residence; said site shall upon selection by the commission aforesaid be purchased for the State and shall cost not to exceed \$2500. The Land Commissioner is hereby authorized upon the request of the board to award to the State any school land for the location of this home they may select, at the price fixed upon it by the Land Office; provided, nothing herein shall be construed as repealing any law now in force except as herein provided. Said members of said commission shall each be paid \$5.00 per day and necessary expenses for the time actually consumed in the services required by this section of this law.

Sec. 2. As soon as practicable after the selection and purchase of such site, the said commission shall designate the exact location on the ground, and the character and plans for all necessary buildings, including a home for the superintendent of such home for lepers, said buildings to be on the cottage plan, and shall have plans and specifications made therefor, and shall advertise for thirty days in at least one newspaper of general circulation in this State and one newspaper published in the county where such home is to be located, for bids for the erection of such buildings, and shall award the contract to the lowest and best bidder, provided the total amount of said bid for all the buildings shall not exceed \$10,000; and the said commission shall also purchase all necessary

by employes for damages on account of personal injuries, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 64, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 64. By Hudspeth.

An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State; providing appropriation to carry this law into effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter when any indigent person suffering from tuberculosis and is sojourning in any other county than his residence makes application for financial relief to any county health officer or commissioner court of any county in this State before any relief is granted he shall make an affidavit that he is indigent and unable to provide for himself, when such affidavit is made it shall be the duty of the county health officer or county judge to forthwith notify the State Health Officer of the case, giving the name of the patient and the place of his residence. If such patient is a bona fide citizen of any county within the State of Texas, it shall be the duty of the State Health Officer, and he shall have the power, to purchase a ticket for said patient and furnish him with sufficient additional means to purchase food en route to his former home and return such patient thereto.

Sec. 2. An appropriation of \$20,000 is hereby made from the general revenue of this State, not otherwise appropriated, for the purpose of carrying this law into effect and shall be paid out upon the warrant of the Comptroller upon the verified account of the person receiving the aid approved by the State Health

Officer and the county judge of the county where such patient is so temporarily sojourning.

Sec. 3. The fact that many persons of indigent circumstances go to the counties in the western part of the State seeking relief from the dreadful disease of tuberculosis and soon become charges on the charity of the people of that section of the State, creating demands upon the humanitarianism and benevolence of such people far beyond their ability to meet all such requirements, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 35, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 35. By Brachfield et al.

An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 402 of Chapter 6, Title 11, Penal Code, as amended in Chapter 40 of the General Laws of the Twenty-eighth Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Article 402. If any person shall sell any intoxicating liquor in any county, justice precinct, school district, city or town or subdivision of a county in which the sale of intoxicating liquors has been prohibited under the laws of this or if any person shall give or sell intoxicating liquor in any justice precinct, school district, town or subdivision of a county for the purpose of evading the purpose of said law, he shall be confined in the penitentiary for a term not more than one year nor more than provided the penalty by law shall remain

political subdivisions wherein the sale of intoxicating liquors is now prohibited by law and this act shall have force and effect and in the counties, justice precincts, cities, towns and subdivisions hereafter voting to prohibit the sale of intoxicating liquors. Upon complaint under oath by any credible person being filed with any county judge or justice of the peace, describing the place where it is believed by the person making the complaint that intoxicating liquor is being sold or given away in violation of law, such county judge or justice of the peace shall issue his warrant directing and commanding the sheriff or any constable of his county to search such place, and if the law is being violated, to arrest the person so violating it, and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant, to seize all intoxicating liquors found therein and arrest and bring before the county judge or justice who issued the writ all persons connected with such business, either as proprietor, manager, clerk or other employe, and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. In prosecutions under this article where it is proven that there is posted up at the place where such intoxicating liquor is being sold or given away with the purpose of evading the provisions of the law, United States internal revenue liquor and malt license to any one, it shall be prima facie proof that the person to whom such license is issued is engaged in the sale of intoxicating liquor."

Sec. 2. The fact that the existing law does not provide sufficient punishment for the unlawful sale and gift of intoxicating liquors in territory where prohibition is in force, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect as if it had been passed, and after its passage it shall be in force.

Following is the enrolled bill in full:

S. B. No. 69.

By Masterson.

An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor of Texas shall, as soon as practicable after the taking effect of this bill, appoint a commission to consist of the State Health Officer and two other citizens of the State of Texas, for the purpose of selecting a site for the erection of an institution to be known as the State Home for Lepers; such commission shall report within thirty days to the Governor their selection, which selection shall consist of not less than 100 acres of land, which said site shall not be less than five miles distant from any town or city within this State, and not less than one mile distant from any residence; said site shall upon selection by the commission aforesaid be purchased for the State and shall cost not to exceed \$2500. The Land Commissioner is hereby authorized upon the request of the board to award to the State any school land for the location of this home they may select, at the price fixed upon it by the Land Office; provided, nothing herein shall be construed as repealing any law now in force except as herein provided. Said members of said commission shall each be paid \$5.00 per day and necessary expenses for the time actually consumed in the services required by this section of this law.

Sec. 2. As soon as practicable after the selection and purchase of such site, the said commission shall designate the exact location on the ground, and the character and plans for all necessary buildings, including a home for the superintendent of such home for lepers, said buildings to be on the cottage plan, and shall have plans and specifications made therefor, and shall advertise for bids in at least one newspaper of general circulation in this State and one paper published in the county where the home is to be located, for bids for erection of such buildings, and shall let the contract to the lowest and best bidder, provided the total amount of said bid for all the buildings shall not exceed \$10,000; and the said commission shall also purchase all necessary

by employes for damages on account of personal injuries, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 64, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 64. By Hudspeth.

An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State; providing appropriation to carry this law into effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter when any indigent person suffering from tuberculosis and is sojourning in any other county than his residence makes application for financial relief to any county health officer or commissioner court of any county in this State before any relief is granted he shall make an affidavit that he is indigent and unable to provide for himself, when such affidavit is made it shall be the duty of the county health officer or county judge to forthwith notify the State Health Officer of the case, giving the name of the patient and the place of his residence. If such patient is a bona fide citizen of any county within the State of Texas, it shall be the duty of the State Health Officer, and he shall have the power, to purchase a ticket for said patient and furnish him with sufficient additional means to purchase food en route to his former home and return such patient thereto.

Sec. 2. An appropriation of \$20,000 is hereby made from the general revenue of this State, not otherwise appropriated, for the purpose of carrying this law into effect and shall be paid out upon the warrant of the Comptroller upon the verified account of the person receiving the aid approved by the State Health

Officer and the county judge of the county where such patient is so temporarily sojourning.

Sec. 3. The fact that many persons of indigent circumstances go to the counties in the western part of the State seeking relief from the dreadful disease of tuberculosis and soon become charges on the charity of the people of that section of the State, creating demands upon the humanitarianism and benevolence of such people far beyond their ability to meet all such requirements, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 35, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 35. By Brachfield et al.

An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 402 of Chapter 6, Title 11, Penal Code, as amended in Chapter 40 of the General Laws of the Twenty-eighth Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Article 402. If any person shall sell any intoxicating liquor in any county, justice precinct, school district, city or town or subdivision of a county in which the sale of intoxicating liquors has been prohibited under the laws of this State, or if any person shall give away any intoxicating liquor in any such county, justice precinct, school district, city or town or subdivision of a county, with the purpose of evading the provisions of said law, he shall be punished by confinement in the penitentiary not less than one nor more than three years: provided the penalties as now provided by law shall remain in force in such

political subdivisions wherein the sale of intoxicating liquors is now prohibited by law and this act shall have force and effect and in the counties, justice precincts, cities, towns and subdivisions hereafter voting to prohibit the sale of intoxicating liquors. Upon complaint under oath by any credible person being filed with any county judge or justice of the peace, describing the place where it is believed by the person making the complaint that intoxicating liquor is being sold or given away in violation of law, such county judge or justice of the peace shall issue his warrant directing and commanding the sheriff or any constable of his county to search such place, and if the law is being violated, to arrest the person so violating it, and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant, to seize all intoxicating liquors found therein and arrest and bring before the county judge or justice who issued the writ all persons connected with such business, either as proprietor, manager, clerk or other employe, and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. In prosecutions under this article where it is proven that there is posted up at the place where such intoxicating liquor is being sold or given away with the purpose of evading the provisions of the law, United States internal revenue liquor and malt license to any one, it shall be prima facie proof that the person to whom such license is issued is engaged in the sale of intoxicating liquor."

Sec. 2. The fact that the existing law does not provide sufficient punishment for the unlawful sale and gift of intoxicating liquors in territory where prohibition is in force, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 69, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 69.

By Masterson.

An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor of Texas shall, as soon as practicable after the taking effect of this bill, appoint a commission to consist of the State Health Officer and two other citizens of the State of Texas, for the purpose of selecting a site for the erection of an institution to be known as the State Home for Lepers; such commission shall report within thirty days to the Governor their selection, which selection shall consist of not less than 100 acres of land, which said site shall not be less than five miles distant from any town or city within this State, and not less than one mile distant from any residence; said site shall upon selection by the commission aforesaid be purchased for the State and shall cost not to exceed \$2500. The Land Commissioner is hereby authorized upon the request of the board to award to the State any school land for the location of this home they may select, at the price fixed upon it by the Land Office; provided, nothing herein shall be construed as repealing any law now in force except as herein provided. Said members of said commission shall each be paid \$5.00 per day and necessary expenses for the time actually consumed in the services required by this section of this law.

Sec. 2. As soon as practicable after the selection and purchase of such site, the said commission shall designate the exact location on the ground, and the character and plans for all necessary buildings, including a home for the superintendent of such home for lepers, said buildings to be on the cottage plan, and shall have plans and specifications made therefor, and shall advertise for thirty days in at least one newspaper of general circulation in this State and one newspaper published in the county where such home is to be located, for bids for the erection of such buildings, and shall award the contract to the lowest and best bidder, provided the total amount of said bid for all the buildings shall not exceed \$10,000; and the said commission shall also purchase all necessary

furniture and equipment for said buildings, not to exceed in cost \$1500.

Sec. 3. All payments of money required under the provisions of Section 1 and Section 2 of this act shall be made by warrant on the State Treasury drawn by the State Comptroller, based on vouchers signed by the Commission provided for in Section 1 and approved by the Governor.

Sec. 4. Any person within this State found to be suffering with the disease of leprosy shall be isolated and removed to said State Home for Lepers, upon certificate of the county health officer of the county where such leper may be, and of the State Health Officer to the effect that such person is so suffering.

Upon the certificate of said State Health Officer and county health officer as herein provided for, the county judge of the county where such leper may be, shall issue his warrant commanding the sheriff of such county to seize such leper and convey him to the Home for Lepers as herein provided. All necessary expenses for conveying such leper to the Home for Lepers shall be paid for by the county wherein said leper may be found.

Such person after having been conveyed to the Home for Lepers as herein provided for, shall be confined therein and cared for and treated at the expense of this State during life, unless sooner discharged on account of being cured. Provided, however, that any person found suffering from leprosy within this State who shall not have been a resident of this State for a period of one year, shall be returned to the State from whence he came, and the expense of such return shall be paid by the county in which such leper is found.

Sec. 5. As soon as such Home for Lepers is completed and ready for occupancy, and every two years thereafter, the Governor shall appoint a superintendent for the State Home for Lepers, who shall be a graduate of a reputable school of medicine, who shall be authorized to practice medicine within this State, and he shall receive a salary of \$3000 per annum; said superintendent shall hold office for two years after his appointment and until his successor qualifies; which superintendent shall employ such nurses, assistants and servants as shall be necessary, and shall pay for same such salaries as may be fixed by such superintendent and approved by the Governor; provided, that said superintendent shall live at said State Home for Lepers and be in active

management and control of said home, subject to the limitations of this act.

Sec. 6. All payments of money necessary under the provisions of Section 5 of this act shall be made by warrant on the State Treasury drawn by the Comptroller, based upon vouchers signed by the superintendent of the Home for Lepers and approved by the Governor.

Sec. 7. Any person within this State who shall knowingly harbor or conceal any leper shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less \$50 and not more than \$500 for every day of such concealment.

Sec. 8. There is hereby appropriated from the general revenue of this State the sum of \$40,000, or as much thereof as may be necessary, for the purpose of carrying into effect this act, and to purchase such site and erect and equip such buildings as herein provided for, and for the maintenance of such institution for the fiscal years ending August 31, 1910, and August 31, 1911.

Sec. 9. The fact that there is now a number of cases of leprosy within this State, and that same for all time has been considered to be a pestilential and loathsome disease, and the further fact there now exists no means for isolating and caring for persons suffering with the disease of leprosy, creates an emergency and an imperative public necessity requiring that the constitutional requirement that a bill be read on three several days in each house be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 65, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 65.

By Alexander.

An Act to amend Articles 3388 and 3389, Title 69, Revised Civil Statutes of the State of Texas, 1895, prescribing the form of ballot to be used in local option elections, and making the general election law control in such local option elections whenever applicable, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 3388 and 3389, Title 60, Revised Civil Statutes of the State of Texas, 1895, be so amended as to hereafter read as follows:

"Article 3388. At said election the vote shall be by official ballot, which shall have printed or written at the top thereof in plain letters the words "Official Ballot." Said ballot shall have also written or printed thereon the words "For Prohibition" and the words "Against Prohibition," and the clerk of the county court shall furnish the presiding officer of each voting box within the proposed limits with a number of such ballots to be not less than twice the number of qualified voters at such voting boxes, and the presiding officer of each such voting box shall write his name on the back of each ballot before delivering the same to the voter, and the person offering to vote at such election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot, and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except such presiding officer or by some officer assisting in the holding of such election under the direction of such presiding officer, when requested to do so by such voter.

"Those who favor the prohibition of the sale of intoxicating liquors within the proposed limits shall erase the words "Against Prohibition" by making a pencil mark through same, and those who oppose it shall erase the words "For Prohibition" by making a pencil mark through same. No ballot shall be received or counted by the officers of such election that is not an official ballot, and that has not the name of the presiding officer of such election written thereon in the handwriting of such presiding officer, as required by this act."

"Article 3389. The officers holding said election shall in all respects not herein specified conform to the general election laws now in force regulating elections, and after the polls are closed shall proceed to count the votes, and within ten days thereafter make due report of said election to the aforesaid court.

"The general election law passed at the First Called Session of the Twenty-ninth Legislature, known as Chapter 11, page 520 of the General Laws of the Twenty-ninth Legislature, as amended by the acts of the Thirtieth Legislature, shall govern in all respects as to the

qualifications of the electors, the method of holding such elections and in all other respects whenever said general law does not conflict with this title and whenever said general law can be made applicable to elections held under this title."

Sec. 2. The fact that local option elections are being frequently held in this State, and that there is no official ballot provided by law to be used at such elections creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act shall be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April-11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 12, and find it correctly enrolled, and have this day, at 11 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 12.

An Act providing for the appointment of official stenographers for district and county courts and county courts at law by the judges thereof, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of making up and filing statements of facts and bills of exception in cases tried in such courts, and repealing Chapter 24 of the Acts of the First Called Session of the Thirtieth Legislature of Texas, and all other laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of preserving a record in all cases for the information of the court, jury and parties, the judges of the district courts in all judicial districts of this State composed of only one county, or of only a portion of one county and of all other district courts sitting in the same counties therewith may appoint official shorthand reporters for such courts, who shall be well skilled in their profession, who shall be sworn officers of the courts,

and shall hold their office during the pleasure of the court. In all other judicial districts the district judges thereof may appoint official shorthand reporters if in their judgment such appointment is necessary, and in the event of such appointment the terms of this act shall apply.

Sec. 2. Before any person is appointed an official shorthand reporter under the provisions of this act he shall be examined as to his competency by a committee to be composed of at least three members of the bar practicing in said court, such committee to be appointed by the judge thereof. The test of competency of any applicant for the position of official shorthand reporter shall be as follows: The applicant shall write in the presence of such committee at the rate of at least 130 words per minute for five consecutive minutes from questions and answers not previously written by him, and in computing the number of words written the words "Questions" and "Answers" appearing in the official shorthand reporter's transcript shall not be counted, and shall transcribe the same with accuracy. If the applicant passes this test satisfactorily a majority of the committee shall furnish him with a certificate of that fact, which shall be filed among the records of the court, and shall be recorded by the clerk of the court in the minutes thereof. Upon the occasion of subsequent appointments the presentation of a certified transcript from the clerk of the court of the certificate above mentioned shall be taken as prima facie evidence of the applicant's competency; provided, however, that if the applicant shall have been an official stenographer of any district court of this State for not less than two years prior to the filing of his application for said appointment, then such examination by said committee, as herein provided, shall not be necessary.

Sec. 3. Before any person shall assume the duties of official shorthand reporter under the provisions of this act, he shall, in addition to the oath required of officers by the Constitution, subscribe to an oath, to be administered to him by the clerk of any district court, to the effect that he will well and truly and in an impartial manner keep a correct record of all evidence offered in any case which may be reported by him, together with the objections and exceptions thereto which may be interposed by the parties to such suit, and the rulings and remarks of the

court in passing on the admissibility of such testimony.

Sec. 4. It shall be the duty of the official shorthand reporter to attend all sessions of the court; to take full shorthand notes of all oral testimony offered in every case tried in said court, together with all objections to the admissibility of testimony, the rulings and remarks of the court thereof, and all exceptions to such rulings. If during the trial of any cause, either party thereto or his attorney, shall desire to have the evidence already adduced upon the trial, or any part thereof, read over to him he shall request such official shorthand reporter to read the same from his notes, and it shall be the duty of such reporter to comply with such request, and in case he shall fail or refuse so to do, he shall be removed from his official position as court reporter, in case it shall be found by a committee of three disinterested practicing attorneys of the county wherein such failure or refusal occurred, to be appointed by the court, that such failure or refusal was intentional and without justification; to preserve all shorthand notes taken in said court for future use or reference for at least one year, and to furnish to any person a transcript in question-and-answer form of all such evidence or other proceedings, or any portion thereof, upon the payment to him of the compensation hereinafter provided.

Sec. 5. In case an appeal is taken from the judgment rendered in any case, the official shorthand reporter shall transcribe the testimony and other proceedings recorded by him in said case in the form of questions and answers, provided the same is requested by either party to the suit, certifying that such transcript is true and correct, and shall file the same in the office of the clerk of the court within such reasonable time as may be fixed by written order of the court. Said transcript shall be made in duplicate, to be paid for by the party ordering the same, on delivery, and the amount so paid shall be taxed as costs.

Sec. 6. Upon the filing in the office of the clerk of the court by the official shorthand reporter of his transcript as provided in Section 5 of this act, the party appealing shall prepare or cause to be prepared a statement of facts in duplicate, which shall consist of the evidence adduced upon the trial, both oral and by deposition, stated in a succinct manner and without unnecessary repetition, together with copies of such documents, sketches, maps and other matters as were used in evidence. It shall not

be necessary to copy said statement of facts in the transcript of the clerk on appeal, but the same shall when agreed to by the parties and approved by the judge, or in the event of a failure of the parties to agree and a statement of facts is prepared and certified by the judge trying the case, be filed in duplicate with the clerk of the court and the original thereof shall be sent up as a part of the record in the cause on appeal. Provided, however, that the official shorthand reporter shall, when requested by the party appealing, prepare under the direction of the party appealing, a statement of facts in narrative form, in duplicate, and deliver same to the party appealing, for which said statement of facts he shall be paid the sum of 10 cents per folio of 100 words for the original copy, and no charge shall be made for the duplicate copy, provided such amount shall not be taxed as costs in the case, if a transcript of the testimony in the form of questions and answers has been theretofore filed with the clerk and taxed as costs.

Sec. 7. When an appeal is taken from the judgment rendered in any cause in any district court or county court, the parties to the suit shall be entitled to and they are hereby granted thirty days after the day of adjournment of court in which to prepare and file a statement of facts and bills of exception; and upon good cause shown the judge trying the cause may extend the time in which to file a statement of facts and bills of exception. Provided, that the court trying such cause shall have power in term time or in vacation, upon the application of either party, for good cause, to extend the several times as hereinbefore provided for the preparation and filing of the statement of facts and bills of exception, but the same shall not be so extended so as to delay the filing of the statement of facts, together with the transcript of the record, in the appellate court within the time prescribed by law, and when the parties fail to agree upon a statement of facts, and that duty devolves upon the court, the court shall have such time in which to do so, after the expiration of the thirty days as hereinbefore provided, as the court may deem necessary, but the court, in such case shall not postpone the preparation and filing of such statement of facts and bills of exceptions so as to delay the filing of same, together with a transcript of the record in the appellate court within the time prescribed by law. Provided, if the term of said court may by

law continue more than eight weeks, said statement of facts and bills of exception shall be filed within thirty days after final judgment shall be rendered unless the court shall by order entered of record in said cause extend the time for filing such statement, and bills of exception.

Sec. 8. The official shorthand reporter shall receive a per diem compensation of \$5.00 for each and every day he shall be in the actual discharge of his duties in reporting cases in the court for which he is appointed, or in performing service under the actual directions of the judge of such court, upon work by such judge deemed necessary. Such compensation shall be paid monthly by the commissioners court of the county in which said court sits, out of the general fund of the county, upon the certificate of the district judge. He shall also receive from persons ordering transcripts of his notes the sum of 10 cents per folio of 100 words; provided, further, however, that if, in any district, the said official shorthand reporter shall, within the judgment of the court, have rendered more services to the court in the discharge of his duties than the terms of this bill shall provide for, then, and in that event the district judge shall certify to the commissioners court of each county in his district, six months after the taking effect of this act, and at the end of every six months thereafter, whether or not in his judgment the compensation is commensurate with the services performed, and if not, that the certificate of said judge shall state the amount that in his judgment the said official shorthand reporter should receive from each of the counties in the district, and same shall be a claim against the county, to be allowed or rejected by the commissioners court as other claims against the counties. Provided, that when any criminal case is appealed and the defendant is not able to pay for a statement of facts, or to give security therefor, he may make affidavit of such facts, and upon the making and filing of such affidavit the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in civil cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such defendant be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

In any civil case where the appellant or plaintiff in error has made the proof

required to appeal his case without bond, such appellant or plaintiff in error may make affidavit of such facts and upon the making and filing of such affidavit the court shall order the stenographer to make such statement of facts in duplicate and deliver them as herein provided in other cases, but the stenographer shall receive no pay for same, provided that should any such affidavit so made by such appellant or plaintiff in error be false he shall be prosecuted and punished as is now provided by law for making false affidavits.

Sec. 9. At the request of any person it shall be the duty of the official shorthand reporter to make a transcript in typewriting of all the evidence and other proceedings, or any portion thereof, either in question and answer form or in narrative form, in any case, which transcript shall be paid for at the rate of 10 cents per folio of 100 words and be the property of the person ordering the same.

Sec. 10. Hereafter the clerks of all courts having official shorthand reporters as provided for in this act, shall tax as costs in each civil case now or hereafter pending in such courts, except suits for the collection of delinquent taxes, and except suits which are not contested, a stenographer's fee of \$3.00, which shall be paid as other costs in the case, and which shall be paid by said clerk, when collected, into the general fund of the county in which said court sits, except cases in which the district court has not original jurisdiction.

Sec. 11. The official shorthand reporters may, with the consent of the court, appoint one or more deputies when necessary to assist him in the discharge of his duties; provided, however, that before any such deputy shall enter upon the discharge of his duties as official shorthand reporter he shall subscribe to the same oath hereinbefore provided for for the official shorthand reporter, and shall also be required to stand such examination as to his proficiency as may be required by the court.

Sec. 12. It shall be the duty of each official shorthand reporter to file with the district clerk of each county of his district annually upon the first Monday in January an itemized statement, verified by affidavit, showing all sums collected by him as per diem or other compensation during the preceding year, giving the name of the person paying each sum and the date of payment of same.

Sec. 13. Whenever either party to a

civil cause pending in the county court or county court at law shall apply therefor, the judge of the court shall appoint a competent stenographer to report the oral testimony given in such cause. Such stenographer shall take the oath herein prescribed, and shall receive such compensation as the court may fix, to be not less than \$5.00 per day, which shall be taxed and collected as costs. The provisions of this act with respect to the preparation of the statement of facts, the time to be allowed therefor, and for the presentation to the opposite party, and the approving and filing thereof by the court shall apply to all statements of facts in civil causes tried in the county court and county court at law; and all other provisions of law governing statements of facts and bills of exception to be filed in district courts and the use of the same on appeal shall apply in civil causes tried in the county courts and county courts at law.

Sec. 14. That Chapter 24, page 509. Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, providing for the appointment of court stenographers, prescribing their duties and regulating their charges, and all other laws or parts of laws in conflict with this act, be and the same are hereby expressly repealed; provided, however, that nothing in this act shall be so construed as to prevent parties from preparing statements of facts on appeal independent of the transcript of the notes of the official shorthand reporter. Provided, the provisions of this act as to preparing and filing statement of facts and bills of exception shall apply only to cases hereafter tried, as to cases heretofore tried the law now in force shall govern.

Sec. 15. In the trial of all criminal cases in the district court in which the defendant is charged with a felony, the official shorthand reporter shall keep an accurate stenographic record of all the proceedings of such trial in like manner as is provided for in civil cases, and should an appeal be prosecuted in any judgment of conviction whenever the State and defendant can not agree as to the testimony of any witness, then and in such event so much of the transcript of the official shorthand reporter's report with reference to such disputed fact or facts shall be inserted in the statement of facts as is necessary to show what witnesses testified to in regard to the same, and constitute a part of the statement of facts, and the same rule shall apply in the preparation of

bills of exceptions; provided, that such stenographer's report, when carried into the statement of facts or bills of exceptions, shall be condensed so as not to contain the questions and answers, except where, in the opinion of the judge, such questions and answers may be necessary in order to elucidate the fact or question involved; provided, that in all cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, that the official shorthand reporter shall be required to furnish the attorney for the said defendant, if convicted, and where an appeal is prosecuted, with a transcript of his notes, for which said service he shall be paid by the State of Texas upon the certificate of the district judge, one-half of the rate provided herein in civil cases.

Sec. 16. The fact that the present law relating to the appointment of official stenographers does not provide a proper standard of competency and does not provide a sufficient length of time in which to prepare and file statements of facts and bills of exception in cases on appeal, thereby causing confusion and dissatisfaction, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 29, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 29.

By Ward.

An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, and Section 2 of said act pertaining to Article 2989, Title 56 of the Revised Civil Statutes, with respect to the granting of injunctions, and providing for appeals from the orders and decrees of district and county courts, either granting or refusing temporary injunctions and fixing effects of such appeals, and repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2989 of the Revised Civil Statutes of Texas be amended so as to read as follows:

"Article 2989. Judges of the district and county courts shall either in term time or vacation, hear and determine all applications, and may grant writs of injunctions returnable to said courts in the following cases:

"(1) Where it shall appear that the party applying for such writ is entitled to the relief demanded, and such relief or any part thereof requires the restraint of some act prejudicial to the applicant.

"(2) Where, pending litigation, it shall be made to appear that a party is doing some act respecting the subject of litigation, or threatens, or is about to do some act, or is procuring or suffering the same to be done in violation of the rights of the applicant which act would tend to render judgment ineffectual.

"(3) In all cases where the applicant for such writ may show himself entitled thereto under the principles of equity, and as provided by statutes in all other acts of this State providing for the granting of injunctions, or where a cloud would be put on the title of real estate being sold under an execution against a person, partnership or corporation, having no interest in such real estate subject to the execution at the time of the sale, or irreparable injury to real estate or personal property is threatened, irrespective of any legal remedy at law. Provided, that no district judge shall have the power to grant any writ of injunction returnable to any other court than his own, unless the application or petition therefor shall state that the resident judge, that is, the judge in whose district the suit is, or is to be brought, is absent from his district, or is sick and unable to hear or act upon the application, or is inaccessible, or unless such resident judge shall have refused to hear or act upon such application for the writ of injunction, or unless such judge is disqualified to hear or act upon the application; and the facts of, and relating to, such judge's absence, or sickness and inability, or disqualification, or inaccessibility, or refusal to act must be fully set out in the application for the writ, or in an affidavit accompanying said application; and in case of such absence, or sickness and inability, or inaccessibility, or disqualification of the resident judge, or in

case of his refusal to hear, or act upon, such application, no district judge shall have the power to grant the writ when the application therefor shall have once been acted upon by a district judge of the State; provided, that when the judge applied to shall have refused to hear or act upon such application, he shall endorse thereon, or annex thereto his refusal to hear or act upon such application, together with his reason therefor; provided, that nothing herein shall apply to the granting of writs of injunction by non-resident judges to stay execution or to restrain foreclosures, or to restrain sales under deeds of trust, or to restrain trespassers, or to restrain the removal of property, or to restrain acts injurious to, or impairing riparian or easement rights where proof is made to the satisfaction of such non-resident judge that it is impracticable for the applicant to reach the resident judge and procure his action in time to effectuate the purpose of the application.

"A resident judge shall be deemed inaccessible, within the meaning of this act, when by the ordinary and available means and modes of travel and communication, he can not be reached in sufficient time to effectuate the purpose of the writ of injunction sought.

"Whenever an application or petition for the writ of injunction shall be made to a non-resident judge upon the ground that the resident judge is inaccessible as hereinbefore defined, the party making such application or his attorney, shall make and file with the application, as a part thereof or annexed thereto, an affidavit setting out fully the facts showing that the resident judge is inaccessible, and the efforts made by the applicant to reach and communicate with said resident judge, and the result of said efforts in that behalf. And unless it appears from said affidavit that the applicant has made a fair and reasonable effort to procure the action of the resident judge upon said application, non-resident judge shall have the power to hear said application upon the ground of inaccessibility of the resident judge; and should any non-resident judge hear said application upon said ground of inaccessibility of the resident judge, and should grant the writ of injunction prayed for, said injunction so granted shall be dissolved upon its being shown that the petitioner has not first made reasonable effort to procure a hearing upon said application before the resident judge. That Section 2 of Chapter 107 of the Acts of the Regular Session of

the Thirtieth Legislature shall be amended so as hereafter to read as follows:"

Sec. 2. Any party or parties to any civil suit wherein a temporary injunction may be granted, refused or dissolved under any of the provisions of this title in term time or in vacation, may appeal from the order of judgment granting, refusing or dissolving such injunction to the Court of Civil Appeals having jurisdiction of the case; but such appeal shall not have the effect to suspend the enforcement of the order appealed from, unless it shall be so ordered by the court or judge who enters the order; provided, the transcript in such case shall be filed with the clerk of the Court of Civil Appeals not later than fifteen days after the entry of record of such order or judgment granting, refusing or dissolving such injunction.

Sec. 3. It shall not be necessary to brief such case in the Court of Civil Appeals or Supreme Court, and the case may be heard in the said courts on the bill and answer, and such affidavits and evidence as may have been admitted by the judge granting, refusing or dissolving such injunction; provided, the appellant may file a brief in the Court of Civil Appeals or Supreme Court upon the furnishing the appellee with a copy thereof not later than two days before the case is called for submission in such court, and the appellee shall have until the day the case is called for submission to answer such brief.

Sec. 4. Such case shall be advanced in the Court of Civil Appeals or Supreme Court on motion of either party, and shall have priority over other cases pending in such courts.

Sec. 5. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The fact that there is now no well defined and settled statutes on law and equity to properly prevent a cloud on title of real estate and all other property exempt from force sale, under and by virtue of the exemption laws of this State, being sold under an execution against a person, partnership or corporation having no interest in such real estate, or all other property so exempt at the time of the sale, without resorting to the legal remedy at law. creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act

take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 15, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 15. By Alexander.

An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said chapter, relating to citations in the sale of land by executors or administrators of the estates of decedents, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2125 of Chapter 22, Title 39 of the Revised Civil Statutes of Texas of 1895 is so amended as to hereafter read as follows:

"Article 2125. Such citation shall be posted in the manner required for other citations for at least twenty days before the first day of the term of the court at which such application is to be heard; and shall be returned and the citation and return recorded in like manner as other citations and returns thereon."

Sec. 2. The fact that there is a conflict as to the time required for the posting of citations in the sale of land by administrators, executors and guardians, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended and this bill take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 18, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 18. By Ward and Bryan.

An Act making an appropriation for the enforcing of any and all laws of the State of Texas, and for the purpose of paying any and all necessary expenses in bringing and prosecuting or paying expenses in prosecuting same, providing the manner of expending such appropriation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of enforcing any and all laws of the State of Texas, and for the purpose of paying any and all necessary expenses in bringing suits or paying expenses in prosecuting same, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$25,000 or so much thereof as may be necessary, to be expended under the direction of the Attorney General by and with the approval of the Governor, and to be paid upon warrants drawn by the Comptroller of Public Accounts on vouchers approved by the Attorney General.

Sec. 2. The fact that adequate provision has not been made for the recovery of lands belonging to the public schools and other lands of the State of Texas and for the enforcement of the laws of this State concerning public lands, and the pendency of a great number of suits brought by the Attorney General for the recovery of many thousands of acres of land embraced by the terms of this act, which suits will come to trial in the near future, creates an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills shall be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 48, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 46. By Perkins et al.

An Act making it a felony to pursue the occupation or business of selling intoxicating liquors, except as permitted by law, in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit and providing rules of evidence in prosecutions arising hereunder, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person shall engage in or pursue the occupation or business of selling intoxicating liquor, except as permitted by law, in any county, justice precinct, city, town or subdivision of a county in which the sale of intoxicating liquor has been or shall hereafter be prohibited under the laws of this State, he or she shall be punished by confinement in the penitentiary not less than two nor more than five years.

Sec. 2. In prosecutions under this act, where it is proven that there is posted up at the place where such intoxicating liquor is being sold, United States internal revenue liquor or malt license to any one, it shall be prima facie proof that the person to whom such license is issued is engaged in and is pursuing the business and occupation of selling intoxicating liquor within the meaning of this act.

Sec. 3. In order to constitute the engaging in or pursuing the occupation or business of selling intoxicating liquors within the meaning of this act, it shall be necessary for the State to prove in all prosecutions hereunder that the defendant made at least two sales of intoxicating liquor within three years next preceding the filing of the indictment.

Sec. 4. The inadequacy of the laws of this State to prohibit the unlawful sale of intoxicating liquors in the counties, justice precincts, cities, towns and other subdivisions of this State where the sale of intoxicating liquor has been prohibited by law, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 33, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 33. By Meachum.

An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the district court to act in vacation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas be amended by adding thereto Article 1107a, to read as follows:

"Article 1107a. The judges of the district court may, in vacation, by consent of the parties, exercise all powers, make all orders, and perform all acts, as fully as in term time, except to enter final judgment in any suit; provided, that the judge may, by consent of the parties, try any case without a jury and enter final judgment, except in divorce cases. All such proceedings shall be conducted under the same rules as if done in term time, and the right of appeal and writ of error shall apply as if the acts had been done in term time."

Sec. 2. The fact that the final adjudication of many important matters is often delayed awaiting the regular term of court, and that many district judges in this State have sufficient time between the holding of different courts in their districts to hear, pass upon and determine important matters during vacation, thus relieving the crowded condition of the docket during the regular term, and preventing unnecessary delay in the administration of justice, creates an emergency and an imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 10, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 10. By Stokes, et al.

An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1264 of the Revised Statutes of 1895 be so amended as hereafter to read as follows:

"In all cases in which services of citation have been made by publication the answer shall be filed on or before appearance day of the term to which said citation is returnable; provided, that in all cases wherein a dissolution of marriage is sought in which service of the citation has been made by publication the answer shall be filed on or before appearance day of the term next succeeding that to which such citation is returnable; provided, that the provisions of this act shall apply to no cases except that in which eight weeks' publication is required; and provided further, that said publication shall be made in the county in which the land is situated, provided there be a newspaper published in such county and if there be no newspaper published in said county then such publication shall be made in the county nearest to where said lands are situated."

Sec. 2. That all laws and parts of laws in conflict with this amendment be and the same are hereby repealed.

Sec. 3. The fact that there is now no adequate law to expedite the trial of cases in which service of citation is had by publication upon the defendants in such cases creates an emergency and imperative public necessity that the constitutional rule requiring bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 25, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 25.

An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein, and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every fire insurance company not organized under the laws of this State, hereafter granted a certificate of authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder upon the condition that it consents to the terms and provisions of this act, and that it agrees to transact its business in this State subject thereto.

Sec. 2. Every fire insurance company organized under the laws of this State, hereafter granted a certificate of authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder upon the condition that it consents to the terms and provisions of this act, and that it agrees to transact its business in this State subject thereto.

Sec. 3. There is hereby created a board to be known as the State Fire Rating Board, which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and one member to be appointed by the Governor, who shall be secretary thereof, and one additional member, who shall be appointed by the Governor upon the joint nomination and recommendation in writing of a majority of all the companies transacting the business of fire insurance in this State, provided that if the State representative or rep-

representatives or executive officer of a majority of such companies shall fail to join in the nomination or recommendation of some citizen of this State for such appointment not later than ten days prior to the date when the same is required to be made, the Governor shall have the power to make such appointment regardless of such nomination or recommendation. The members of said board, other than the Commissioner of Insurance and Banking, shall each have had at least five years' practical experience in the making of fire insurance rates and inspection of risks, shall be appointed as herein provided within sixty days after this act takes effect for the term of two years and biennially thereafter, and they shall have the power to decide all questions required, authorized or permitted to be passed upon by said board upon which they shall agree, and in case of disagreement as to any such question, the decision of the Commissioner of Insurance and Banking thereon shall determine the action of the board. Said members of said board, other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum of \$2500 per annum, and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act the sum of \$500 per annum in addition to his compensation as now fixed by law.

Sec. 4. Every fire insurance company transacting business in this State shall, not later than January 1, 1910, after this act takes effect, file with the secretary of said board general basis schedules showing the rate on all classes of risks insurable by such company in this State, and all charges, credits, terms, privileges and conditions which in any wise affect such rates or the value of the insurance issued to the assured, and any one or more of such companies may employ for the making of such schedules and rates the services of such experts as they deem advisable for such purpose.

Sec. 5. No change shall be made in the schedules which have been filed in compliance with the requirements of this act except after thirty days notice to the secretary of said board, which notice shall plainly state the changes proposed to be made in the schedules thereunder in force and the time when such changes will go into effect; and such changes shall be shown by filing new schedules or shall be plainly indi-

cated on the schedules in force at the time; provided, that said board may in its discretion and for good cause shown allow changes to be made upon notice for a shorter period than that specified herein either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

Sec. 6. When said board shall determine that any rate made by any company in this State is excessive or unreasonably high, or that said rate is not adequate to the safety or soundness of the company granting the same, it is authorized to direct said company to publish and file a higher or lower rate as shall be commensurate with the character of the risk, but in every case the rate shall be reasonable. The State Fire Rating Board shall have the power at its discretion to have prepared and to publish for the information of the public, specific schedules of fire insurance rates which shall by said board be deemed reasonable, covering all fire insurance risks in the State, or in any locality thereof, and to fix the fee to be paid for copies of the same furnished to any person desiring such copies. Said board shall also have the power to alter, amend or revise such published specific schedules of reasonable rates, and to publish notice of such alteration, amendment or revision; provided, that nothing herein shall be construed to deny the right to any company to reduce its rates to conform with any lower rate, established by said board, applying to the same character of risks; provided, that said board shall never make a higher rate than the schedule published by said companies.

Sec. 7. No fire insurance company shall engage or participate in the insurance of any property located in this State unless the schedule of rates under which such property is insured has been filed in accordance with the provisions of this act; nor shall any fire insurance company knowingly write any insurance at a rate different than the rate named in the schedules, subject to the provisions of Section 6 hereof, or refund or remit in any manner or by any device any portion of the rates so established, or extend to any insured or other person any privileges, advantage, favor, inducement or concession except as is specified in such schedule.

Sec. 8. No fire insurance company, or officer, agent or representative thereof, shall enter into any contract of in-

insurance on any property located in this State on which there has been no rate filed as provided for in this act, unless such company shall within thirty days after entering into such contract file with said board in such form or forms as shall be by it prescribed, a statement truly setting forth the description of such property, the rate thereon, and such other information as said board shall require. Such statement shall conform to the schedule provided for in this act, and when so filed shall constitute the local tariff rates of premium for said company.

Sec. 9. That all schedules and local tariffs filed in accordance with the provisions of this act, shall be open to the inspection of the public, and each local agent shall have and exhibit to the public copies thereof relative to all risks upon which he is authorized to write insurance.

Sec. 10. No fire insurance company shall directly or indirectly by any special rate, tariff, rebate, drawback, or other device, charge, demand, collect or receive from any person or persons a greater or less or different compensation for the insurance of any property located in this State than it charges, demands, collects or receives from any other person or persons for like insurance on risks of a like kind and hazard under similar circumstances and conditions in this State; and any fire insurance company violating any of the provisions of this section shall be deemed guilty of unjust discrimination, which shall be unlawful.

Sec. 11. The Commissioner of Insurance and Banking, if he shall find that any insurance company or any officer, agent or representative thereof has violated any of the provisions of this act, may at his discretion revoke the certificate of authority of such company, officer, agent or representative, but such revocation of any certificate shall in no manner affect the liability of such company, officer, agent or representative to to the infliction of any other penalty provided by this act, and provided, that any action, decision or determination of the Commissioner of Insurance and Banking or of the State Fire Rating Board, shall be subject to review of the courts of this State, as herein provided.

Sec. 12. The State Fire Rating Board shall not make any regulations or order without giving all insurance companies concerned reasonable notice thereof, and an opportunity to appear

to be heard in respect to same, and if any insurance company or any other person or city or municipality which shall be interested in any such order shall be dissatisfied with any regulation, order or rate adopted by said board, such person or municipality or their representatives shall have the right within thirty days after the making of such regulation, order or rate to bring an action against said board in any district court of the State of Texas to have such regulation, order or rate vacated or modified, and shall set forth in the petition therein the particular ground or grounds of objection to any or all of them. In any such suit the issue shall be formed and the controversy tried and determined as in other civil cases; and the court may set aside, vacate or annul one or more or any part of any of the regulations, orders or rates adopted or fixed by said board which shall be found by the court to be unreasonable, unjust, excessive or inadequate to compensate the company writing insurance thereon for the risk assumed by it, without disturbing others. No injunction, interlocutory order or decree suspending or restraining directly or indirectly the enforcement of any order of said board shall be granted; provided, that the court may permit any company complaining of any order, regulation or rate made by said board to write insurance at any rates which obtained prior to the making of such order, regulation or rate complained of, upon condition that the difference between the rate complained of and the rate at which it is permitted to write insurance shall be deposited with the Commissioner of Insurance and Banking, and upon final determination of the suit shall be paid by him to the insurance company if the court shall find it entitled to the same, or to the holders of policies written by said company after the rate complained of is ordered, as the court may deem just and equitable. Whenever any action shall be brought on any insurance company under the provisions of this section within said period of thirty days, no penalties or forfeitures shall attach or accrue on account of the failure of the plaintiff to comply with the order sought to be vacated or modified in such action until the final determination of the same. Either party to any such action, if dissatisfied with the judgment or decree of said court, may appeal therefrom as in other civil cases.

No action shall be brought in any court of the United States to set aside any order made by said board under the provisions of this act until all of the remedies provided for herein shall have been exhausted by the party complaining. If any fire insurance company organized under the laws of this State or authorized to transact business in this State shall violate any of the provisions of this section, the Commissioner of Insurance and Banking shall cancel its certificate of authority to transact business in this State.

Sec. 13. Any fire insurance company, director or officer thereof, or any agent or person acting for or employed by any such company, who, alone or in conjunction with any corporation, company or person, shall wilfully do or cause to be done, or shall wilfully suffer or permit to be done, any act, matter or thing prohibited or declared to be unlawful by this act, or who shall wilfully omit or fail to do any act, matter or thing required to be done by this act, or shall cause or wilfully suffer or permit any act, matter or thing directed by this act, not to be done, or shall be guilty of any wilful infractions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to exceed \$100 for each offense, provided that if the offense for which any person shall be convicted, as aforesaid, shall be an unlawful discrimination, such person shall be punished by a fine not exceeding \$100, or by imprisonment in the county jail for a term not exceeding 90 days, or by both such fine and imprisonment.

Sec. 14. No person shall be excused from giving testimony or producing evidence when legally called upon so to do at the trial of any other person charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence under the authority of this act, except for perjury in so testifying.

Sec. 15. No regulation, order or rate made by the State Fire Rating Board, under the provisions of this act, shall be binding upon any fire insurance company not organized under the laws of this State, until such company shall have obtained a certificate of authority

to transact business in this State, after this act takes effect, unless such company shall file with said board a certified copy of a resolution, duly adopted by its board of directors, accepting and agreeing to be bound by the terms of this act until the expiration of its certificate of authority in force at the time this act shall take effect.

Sec. 16. The salaries of the members of said State Fire Rating Board, and the compensation of the necessary clerical and other assistants employed by said board, and any necessary traveling or other expenses incurred by said board in carrying out the provisions of this act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer, upon the order of said board, approved by the Commissioner of Insurance and Banking; provided, that the total amount of all such salaries and expenses shall not exceed the sum of \$15,000 during any one year after this act takes effect.

Not later than March 15, after this act shall take effect, and annually thereafter, it shall be the duty of the Commissioner of Insurance and Banking, for the purpose of reimbursing the State for the amount to be so expended, during the current year, in carrying out the provisions of this act, to collect from each fire insurance company which transacted business in this State during the preceding calendar year or any portion thereof, the proportion of said sum of \$15,000 which the gross premiums collected by such company during such year from persons or upon property located in this State bears to the aggregate amount of such gross premiums so collected during such year by all fire insurance companies transacting business in this State. Provided, that in computing such gross premiums receipts there shall be deducted therefrom the amount paid out for reinsurance and for returned premiums on cancelled risks. If at the end of any year after this act shall take effect it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than \$15,000, the amount remaining unexpended shall be applied in reduction of the amount to be collected from said companies for the succeeding year.

The amount due under the provisions of this section by each company shall be certified by the Commissioner of Insurance and Banking, and he shall revoke the certificate of authority of any

company which shall fail to pay the same within thirty days after the receipt of such certificate. Provided, that the collection from fire insurance companies provided for in this section shall not be made for any year during which any such company shall be liable under the laws of this State, to the payment of an occupation tax at the rate of not less than two and one-half per cent of the gross premiums received, less deductions for reinsurance and returned premiums on cancelled risks.

Sec. 17. This act shall not apply to mutual or profit sharing fire insurance companies incorporated under the laws of this State, nor to purely co-operative inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

Sec. 18. The fact that there is now no law in the State prohibiting unjust discrimination in the collection of fire insurance rates as between citizens of this State constitutes an emergency and an imperative public necessity requiring the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 20, and find it correctly enrolled, and have this day at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 20. By Hume.

An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all sales of real estate within this State, which have been heretofore made by executors of wills, which, prior to such sales, had been probated according to the laws of another State of the United States, having jurisdiction, and which wills possessed the requisites to pass title to real estate required by the Statutes of this

State, where such wills conferred upon the executors the power to sell the real estate so sold, independent of the probate court, and where such sales would have been valid and effectual to pass the title to such real estate, had the wills been probated in this State, and where the will has been filed and recorded as required by Article 5353 of the Revised Statutes of 1895; and provided, this act shall not validate any sale where a will has been fraudulently probated, be and the same are hereby validated; provided, however, that the validation of such sales shall not defeat the rights of creditors of the testators of such will, nor affect the title of purchasers for the value from their heirs or devisees of the testators of such wills, where such purchases were made prior to the enactment hereof, and where, in such will, testament or testamentary instrument of any character, executors or trustees are named with powers conferred upon them sufficient to make them independent executors under the laws of this State, including power to sell real estate, then the filing of the will, as provided in Article 5353, Revised Statutes of 1895, shall be sufficient to authorize such executor or trustee to sell any real estate belonging to the estate of such testator and situated in this State, without the necessity of an ancillary administration in this State.

Committee Room,

Austin, Texas, April 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 74, and find it correctly enrolled, and have this day at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 74. By Stokes et al.

An Act to make it the duty of the Commissioner of Agriculture to inquire into the present system of irrigation as applied to the rice industry and other products, the character of rates and contracts, used on irrigating canals, to make public his report from time to time and to transmit same to the Governor and the Legislature, giving him power and authority to employ an engineer and expert to assist him when necessary in said work, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of the Commissioner of Agriculture to prepare and make public, reports on the present system of irrigation now in operation in this State; the cost of maintenance and operation of same, the character and kind of irrigation plants which result in the greater saving to the users of water, the class and character of water contracts entered into by the various canal companies; he shall also inquire into the reasonableness and fairness of rates being charged for water by the various canal companies in this State, and from time to time shall make public the result of his inquiries; he shall collect and publish statistics and other information regarding the irrigation of rice and other crops as may be of benefit in developing and collaborating a more efficient system of laws safeguarding and defining the rights of users and sellers of water for irrigating purposes; and he shall make up and file an annual report on same with such recommendations he may deem beneficial to the industry, which report shall be filed with the Governor, and transmitted to the Legislature.

Sec. 2. The Commissioner of Agriculture is hereby empowered and authorized to employ a competent engineer and expert, possessing a practical knowledge of the application of irrigation to the raising of rice and other crops, for the purpose of assisting him in performing the duties required of him in Section 1 of this act.

Sec. 3. The fact that there is now no means of collecting data on canal rates and that there is no member of the Department of Agriculture qualified to perform the duties above mentioned, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and this rule is hereby suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 22, and find it correctly enrolled, and have this day,

at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

Senate Bill No. 22, By Cofer.
An Act to amend Article 2256, Title 39, Chapter 31 of the Revised Civil Statutes of 1895, relating to appeals to the district court in probate cases, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2256, Chapter 31, Title 39 of the Revised Civil Statutes of 1895 be so amended as to hereafter read as follows:

"Article 2256. He shall within fifteen days after such decision, order, judgment or decree shall have been rendered, file with the county clerk a bond with two or more good and sufficient sureties, payable to the county judge in an amount to be fixed by the county judge, and to be approved by the clerk, conditioned that the appellant shall prosecute said appeal to effect, and perform the decision, order, decree or judgment which the district court shall make thereon, in case the cause shall be decided against him."

Sec. 2. The uncertainty as to the amount of the bond that should be given in appeals in probate cases, and the near approach of the close of the called session of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 72, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 72. By Weinert.
An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 12, Title 51

be amended by adding thereto Article 2690a, to read as follows:

"Article 2690a. Provided, that this chapter shall not apply to estates of less than \$1000 unless required by the probate judge or by order of the probate judge on application by some one interested in the estate; and provided that if it is shown to the satisfaction of the probate judge that said report was not essential or necessary to the protection of the ward's interest, then and in that event, he shall tax the cost of such report and court proceedings thereon to the party demanding same."

Sec. 2. The fact that there is now no statute properly preventing the consuming of small estates by court costs, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 26, and find it correctly enrolled, and have this day, at 6 o'clock p. m., presented same to the Governor for his approval.

TERRELL, of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 26.

An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled "An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith; providing venue; providing punishment for violations thereof, fixing compensation;" and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 6 and 11, Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled "An Act to define, prohibit and declare illegal trusts, monopolies and conspir-

acies in restraint of trade, and to prescribe penalties for forming or being connected with trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith," be, and the same are hereby amended so as to hereafter read as follows:

"Section 6. For a violation of any of the provisions of this act, or any anti-trust laws of this State, by any corporation, it shall be the duty of the Attorney General, upon his motion, and without leave or order of any judge or court, to institute suit or quo warranto proceedings in Travis county, or at the county seat of any county in the State, which the Attorney General may select, for the forfeiture of its charter rights and franchises, and the dissolution of its corporate existence, and for such purpose venue is hereby given to each district court in the State of Texas.

"Section 11. Each and every firm person, corporation or association of persons, who shall in any manner violate the provisions of this act shall for each and every day that such violation shall be committed or continued, forfeit and pay a sum of not less than \$50 nor more than \$1500, which may be recovered in the name of the State of Texas, and venue is hereby given to such district courts, provided that when any such suit shall have been filed in any county and jurisdiction thereof acquired, it shall not be transferred to any other county except upon change of venue allowed by the court, and it shall be the duty of the Attorney General or the district or county attorney, under the direction of the Attorney General, to prosecute for the recovery of the same, and the fees of the district or county attorney for representing the State in all anti-trust proceedings, or for the collection of penalties for the violation of the anti-trust laws of this State, shall be 10 per cent of the amount collected up to and including the sum of \$50,000 and 5 per cent on all sums in excess of the first \$50,000, to be retained by him when collected, and all such fees which he may collect shall be over and above the fees allowed under the general fee bill; provided, that the provisions of this act as to the fees allowed the prosecuting attorney shall not apply to any case in which judgment has heretofore been rendered in any court nor to any moneys to be hereafter collected upon any such judgment heretofore rendered in any

court, whether such judgments are pending upon appeal or otherwise, and provided, further, that the district attorney who joins in the institution or prosecution of any suit for the recovery of penalties for a violation of any of the anti-trust laws of this State, who shall, previous to the collection of such penalties, cease to hold office, he shall be entitled to an equal division with his successor, of the fee collected in said cause, and in case of the employment of special counsel by any such district or county attorney, the contract so made shall be binding upon such prosecuting officer making such contract and thereafter retiring from office; provided, further, that in case any suit is compromised before any final judgment in the trial court is had, then the fees herein provided for shall be reduced one-half."

Sec. 2. The fact that there is no law giving venue to each district court to try cases arising under the anti-trust laws throughout the State, and the further fact that the penalties provided under the act of 1903 are inadequate to suppress violations of the law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 8, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:
Senate bill No. 8.

An Act to carry into effect Article 132, Section 16 of the Constitution of the State of Texas in relation to a Texas State Board of Health and Vital Statistics Department; to abolish the present department of Public Health and Vital Statistics; to create a Texas State Board of Health; to provide for the appointment and organization of said board, and the name of its officers; to provide for the designation by the Governor of one member of said board as State Health Officer; to provide for the operation and maintenance of the State quaran-

tine service; to define the qualifications of the members, officers and employees of the State Board of Health; to fix their salaries, and provide for office quarters and appliances of said board; to define the status of said board with relation to courts of the State, to confer upon said board discretionary powers concerning the defining and investigating nuisances detrimental to the public health, and the investigating and regulating of water supply and other investigations necessary concerning matters of public health and sanitation and quarantine and for the general discretionary powers concerning matters of public health and sanitation; and to delegate to said board under the police powers of this State authority to prepare, adopt, enact, promulgate and put into effect rules and regulations and requirements governing the promotion and protection of public health and safety, such rules and regulations to be incorporated into what shall be known as a sanitary code for Texas; to prescribe penalties within certain limits for the violation of the rules and regulations specified by said code; to define the duties of the courts of this State with respect to the enforcement of obedience and to the process of said board; to define the duties of the court with respect to compelling obedience and respect of witnesses when summoned to testify before said board; providing for compelling attendance by said board of witnesses in an investigation involving the exercise of the discretionary powers of said board, and declaring that any witness falsely testifying before said board shall be guilty of perjury; to confer upon the officers, members and inspectors of said board power of peace officers with power to make arrests for violation of the sanitary code and the health and sanitary laws of the State; to define the duties of the courts of the State relative to the enforcement of the law, rules, regulations and ordinances of the sanitary code for Texas; to define the duties of all peace officers of the State relative to apprehending and arresting offenders against said sanitary code for Texas; to confer upon said board power and authority to revise and amend the sanitary code for Texas, and to provide a method for promulgating and enforcing such amendments and revisions; to abolish the office of county physician in the several counties of

this State, and to create and define the office of county health officer instead, and to define the powers of said county health officer, and to prescribe penalties for neglect of duty on the part of said county health officer; to abolish the office of city physician within this State in the several incorporated cities and towns, and to create instead the office of city health officer; to define the qualifications and duties of city health officer, and the method of appointment to office, and a method of removal from office, and prescribing penalties for neglect of duty on part of city health officers; providing for annual conferences of county health officers and city health officers, and to declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Department of Public Health and Vital Statistics as now existing under the laws of this State is hereby abolished, and that there be created and established in its stead a State Board of Health, to be officially designated as Texas State Board of Health, which shall consist of seven members, who shall be legally qualified practicing physicians, who shall have had at least ten years experience in actual practice of medicine within the State of Texas, of good professional standing, and who shall be graduates of reputable medical colleges, to be appointed biennially by the Governor as soon as practicable after the passage of this bill, and thereafter on or before the 10th day of March following his inauguration. One member of said board, who shall be appointed by the Governor, and confirmed by the Senate, shall be designated by the Governor as State Health Officer, and who shall be president and executive officer of the board. The members of said board shall hold their office for a term of two years, and until their successors shall be appointed and qualified, unless sooner removed for cause.

Sec. 2. The president of said board shall receive annually a salary of \$2500. The other six members of said board shall receive no salary, but each of said members shall be allowed for each and every day he shall be in attendance upon the meetings of the board the sum of \$10, including the time spent in transit, and 3 cents per mile going and coming for actual expenses to be paid on their vouchers when approved by the president of the board and the Governor

by warrant drawn by the Comptroller against the general appropriation provided by law for that purpose; provided, no member shall receive more than \$500 annually.

Sec. 3. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall meet at Austin on the first Tuesday after appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the board, or as often and at such times and places as such meetings shall be deemed necessary by the board. Timely notice of such meetings shall be given to each member of the board by the president thereof. The board shall be convened on call of the president, or on demand of three members of said board, in writing to the president. The office of said board shall be in the Capitol at Austin, and the said board shall be furnished with all necessary equipments and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other officers of the State are furnished, including suitable rooms for its offices and laboratories, necessary for the carrying on the work of the board, and to be provided in the Capitol building or other suitable buildings to be designated by the Governor.

Sec. 4. The president of the board shall at the first meeting of the board appoint, with the approval of the Governor, the following:

(1) An Assistant State Health Officer, who shall be a legally qualified practitioner of medicine under the laws of the State of Texas, and who shall have had five years' experience in the practice of medicine in this State, whose duty it shall be to assist the president of the board in a general supervision of the affairs in his office and in the enforcement of quarantine and sanitation throughout the State. Said Assistant State Health Officer shall receive an annual salary of \$2400.

(2) A Registrar of Vital Statistics, whose duty it shall be to correct, record, compile and tabulate the vital and mortuary statistics of the State as provided by law, and shall also be secretary of the board, and perform such other duties as may be directed by the president of the board, and he shall receive an annual salary of \$1800.

(3) A chemist and bacteriologist, who shall be learned in chemistry, pathology and bacteriology, and he shall receive a salary of \$1800 per annum. He shall make examination and analyses of such

things and matters as may be submitted to him by the board, or the State Health Officer, and shall report results of such examinations in such manner and form as may be directed by the board.

(4) One stenographer and book-keeper combined at a salary of \$1200 per annum.

(5) One inspector at a salary of \$1800 per annum. It shall be the duty of such inspector to conduct such inspection as required by the board and the president of the board, and to assist in the enforcement of all sanitary and quarantine laws of the State, and to perform such other necessary services as may be prescribed by the president of the board.

Sec. 5. Members of the board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State. Upon presentation of such oath of office, together with the certificate of their appointments by the Governor, the Secretary of State shall issue commissions of them, which shall be evidence of their authority to act as members of said board.

Sec. 6. The president of the board shall execute bond in the sum of \$10,000, payable to the Governor, with two or more good and sufficient sureties thereon, conditioned for the faithful performance of his official duties, to be approved by the Governor, and filed in the office of the Secretary of State.

Sec. 7. The president of the board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with authority to declare and enforce quarantine by and with the approval of the Governor, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

Sec. 8. There is hereby appropriated and set aside out of the general revenue of the State the sum of \$8000, or as much thereof as shall be necessary to pay salaries of the members and officers of the board, its inspectors, assistants and employes for the remainder of the current fiscal year after their tenure of office begins.

Sec. 9. The State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of this State. It

shall make a study of the causes and prevention of infectious and contagious diseases within the State and except as otherwise provided in this act shall have direction and control of all matters of quarantine regulations and enforcement and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State and to suppress same and prevent their spread.

Sec. 10. Power is hereby conferred on the Texas State Board of Health to prepare a sanitary code to be known as the "Sanitary Code for Texas," which shall provide rules and regulations for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic conditions within this State, for the suppression and prevention of infectious and contagious diseases, and for the proper enforcement of quarantine, isolation and control of such diseases; provided, however, that where a patient can be treated with reasonable safety to the public health, he shall not be removed from his home without his consent, or the consent of the parents or guardian, in case of a minor, which said code, when so made, adopted, approved by the Governor, published and promulgated, shall have the force of law in all respects as far as relates to the following subjects:

(a). In the management of quarantine and disinfection with respect to all contagious, infectious diseases and exposures.

(b). In the government of quarantine and disinfection of all pestilential diseases, such as bubonic plague, Asiatic cholera, leprosy, typhus and yellow fever.

(c). For the inspection, sanitation and disinfection of all railway coaches (including interurban cars), sleeping cars, street cars, waiting rooms, toilet rooms in cars and stations, depots and stations; the regulations for the proper protection of the public water, ventilation and heat supplies in such places, and the sanitary conduct and condition of all persons within such places.

(d). Governing the reporting by physicians and health officers of the presence in any locality of all contagious and infectious diseases.

(e). Governing the manner and method of collecting and reporting all

vital and mortuary statistics, including reports of births and deaths, designating to whom and by whom such report shall be made and the form of same.

(f) Governing the preparation for transportation of dead bodies.

Provided, that said Texas State Board of Health shall prepare and adopt at such time as they may deem proper and expedient an "Advisory Supplement" to such "Sanitary Code for Texas" which shall contain rules and regulations on the following subjects:

(1) Prescribing and fixing the standard for disinfectants; requiring employment of disinfectants of proper quality and standard for the disinfection of all premises as directed by the board.

(2) Regulating the proper sanitary disposition of sewerage, garbage and offal, and the proper drainage of unsanitary premises.

(3) Governing the proper interment and disinterment of dead bodies.

(4) Regulating the examination and inspection both ante mortem and post mortem of all animals which may be intended for supplying food products or meat for human consumption; regulating and governing the protection of the public with reference to the sale and use of diseased animals for producing food products or meat; the manner of feeding to animals designated for producing food products for human consumption; all offensive or disease-producing foodstuffs; regulating the inspection, examination and management of all dairy cows and herds for the purpose of controlling and suppressing tuberculosis and other diseases liable to be communicated from animal to man.

(5) Regulating the sanitary condition of slaughter houses, meat markets and dairies.

(6) Rules and regulations for the sanitation and disinfection of public buildings; provided, that a public building is hereby declared to be any building owned by the State or any county or any city school building, college or university of every class, any dance hall, music hall, saloon, fire hall, skating rink, theater, theatorium, moving picture show, circus, pavilion, office building, hotel, lodging house, restaurant, lecture hall, place of public worship or any building or place used for the congregation, occupation or entertainment, amusement or instruction of the public.

(7) Rules and regulations to govern and control the conduct and operation

of markets, peddlers' wagons, and all other places and methods of exposure for sale of meat, fish, poultry, game, fruits, vegetables and all perishable articles of food exposed for sale, and to regulate the time and method of such exposure, and to prescribe and limit methods for the preservation of such articles of food, and to prohibit the doing of any act or the use of any method with respect thereto, which said board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department.

Provided, that such "Advisory Supplement" to said "Sanitary Code for Texas" shall be advisory only. It shall be the duty of all city and county health officers, members of city councils, city and county commissioners to cooperate at all times with the Texas State Board of Health in enforcing the rules and regulations contained in such "Advisory Supplement," and any city or town in this State may by a majority vote of its city council or commissioners and whenever the subject matter relates to the public schools with the approval of a majority of the members of the school board of such city or town, adopt such "Advisory Supplement," and the rules and regulations therein contained shall thereafter have the full force and effect of law in such city or town; provided, that the commissioners court of any county in this State may by a majority vote adopt said "Advisory Supplement" to the "Sanitary Code for Texas" and thereafter the rules and regulations contained in such "Advisory Supplement" shall have the full force and effect of law outside of all incorporated cities and towns in such county.

Any person who shall violate any of the rules and regulations contained in the "Sanitary Code for Texas" as embraced in subdivisions a, b, c, d, e and f of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 and not more than \$1000.

Any person who shall wilfully violate any of the rules and regulations contained in the "Advisory Supplement" to the "Sanitary Code for Texas," embraced in subdivisions 1, 2, 3, 4, 6 and 7 of Section 11 of this act, when same shall have been adopted by the city or county in which said person shall have violated such rules and regulations, he shall be deemed guilty of a misdemeanor

and upon conviction shall be fined in any sum not less than \$5.00 and not more than \$200.

It shall be the duty of the said Texas Board of Health to investigate and to provide for the removal of known causes of disease; to provide for the extermination of obnoxious and hurtful insects, vermin and rodents when necessary to prevent and suppress disease.

For the compilation and preparation of such code, it shall be the duty of the board to consult authorities and make investigations relative to the most approved modern sanitary codes and spare no pains to make the same complete in the light of modern science.

On adoption of the said code by votes of a majority of the members of the board, and approved by the Governor, it shall be published at length for one time in the official monthly bulletin of the State Board of Health, and at least three times for three consecutive weeks in three daily newspapers in the State, after which adoption, approval and publication, it shall become operative and have the absolute force of law, and any person who shall violate any of the rules, regulations in said sanitary code after its adoption and publication as above provided for shall be deemed guilty of a misdemeanor and upon conviction shall be fined as herein prescribed.

And it is hereby made the duty of the several courts of this State having jurisdiction over such offenses, according to the grade thereof, to enforce and carry into effect each and all of the rules and regulations as promulgated in said "Sanitary Code for Texas," when they have the force and effect of law as provided herein, and to impose and collect penalties in the amounts therein specified from all persons found guilty of any violations thereof.

There shall be printed by the board and by it published in pamphlet form a sufficient number of copies of the "Sanitary Code for Texas" for distribution to the public. Copies shall be furnished free upon application to county and municipal health authorities, boards of health, mayors, members of city councils, city commissioners and judges and clerks of courts. Copies of said code shall be furnished by the board upon application to any person applying therefor and paying a nominal sum, to be fixed by the board, to cover the cost of publication and transportation of same.

Provided, this act shall not be construed to repeal any of the laws of this State now in force affecting the public health, but shall be construed to be cumulative to said laws, and the Board of Public Health is hereby authorized to promulgate rules and regulations for all laws relating to the public health now in force in this State.

Sec. 11. Power is hereby conferred upon the Texas State Board of Health to further revise and amend said sanitary code for Texas at any time they may deem proper and expedient; provided, that such revision and amendment shall come within the scope of the power herein conferred upon the board for enacting the original code.

Sec. 12. It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State Health Officer, and whenever State Health Officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

Sec. 13. Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the board, of the violation of any public health, sanitary or quarantine law of the State, and such member, officer or inspector may so arrest such offenders without warrant when the offense is committed within the presence or sight of such member, officer or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State rangers and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances or laws of the sanitary code for Texas as it may be adopted by said board, or for violation of any public health, sanitary or quarantine laws of the sanitary code for Texas as it may be adopted by said inspectors and officers of said board to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances and laws of the sanitary code for Texas when

adopted, published and promulgated by said Board of Health, as provided in this act, when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

Sec. 14. The members of the Board of Health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect and view all grounds, public buildings, factories, slaughter houses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants and all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations and ordinances of the sanitary code for Texas after it has been adopted, promulgated and published by the board for the enforcement of any and all health laws, sanitary laws or quarantine regulations of this State.

Sec. 15. The members of said Board of Health and its officers are hereby severally authorized and empowered to administer oath and to summon witnesses and compel their attendance in all matters proper for the said board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said board and its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due observance of this act, and in the event any witness summoned by said board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such board, officer or member, such person shall be punished by the district court of the county in which such witness is summoned to appear as for contempt of said district court.

Sec. 16. Any witness when summoned to appear before said board who shall falsely testify as to any matters proper for the determination of any question which the board may be investigating shall be deemed guilty of perjury, and

shall be punished as provided by law for the offense of perjury.

Sec. 17. Be it further enacted that the office of county physician shall be abolished within the several organized counties of this State, and that instead the office of county health officer is hereby created in each organized county within this State.

Sec. 18. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

Sec. 19. It is hereby made the duty of the commissioners court by a majority vote of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years and until his successor shall be appointed and qualify, unless sooner removed for cause; provided, however, that in all counties where there is a duly appointed and acting county physician heretofore appointed the county judge shall appoint such county physician as county health officer. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Texas State Board of Health, and until such copies are so filed said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners court; provided, that no compensation or salary shall be allowed except for services actually rendered.

Sec. 20. The office of city physician for the several incorporated cities and towns within this State is hereby abolished, and instead created the office of city health officer; provided, however, that city physicians now in office shall serve as city health officers until the expiration of their present term.

Sec. 21. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

Sec. 22. It is hereby made the duty of the city council or the city commissioners, as the case may be, of each incorporated city and town within this State to elect a qualified person for the office of city health officer by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city health physicians, in which event the office of city

health officer shall be filled as is now filled by the city physician, but in no instance shall the office of city health officer be abolished.

The city health officer, after appointment, shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

Sec. 23. In case the authorities hereinbefore mentioned shall fail, neglect or refuse to fill the office of county or city health officer as in this act provided, then the Texas State Board of Health shall have the power to appoint such county or city health officer to hold office until the local authorities shall fill such office, first having given ten days' notice in writing to such authority of the desire for such appointment.

Sec. 24. Each county health officer shall perform such duties as have heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine and other such duties as may be lawfully required of the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians, and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish, maintain and enforce quarantine within his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease, prevention and suppression, vital and mortuary statistics and general sanitation within his county, and he shall at all times report to the State Board of Health in such manner and form as it shall prescribe the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and he shall make such other and further reports in such manner and form and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of its proper

rules, regulations, requirements and ordinances and in the enforcement of all sanitary law and quarantine regulations within his jurisdiction.

Sec. 25. In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State Board of Health, and pending charges for removal said county health officer shall not receive any salary or compensation, which cause shall be tried in the district court of the county in which such county health officer resides.

Sec. 26. In the event any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this act, the State Board of Health shall file charges with the commissioners court for the proper county specifying wherein such officer has failed in the discharge of his duties, and at the same time the State Board of Health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary or allowance to said county health officer, and pending such protest and charges it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees or allowance on account of his office, unless such charges are shown to be untrue and are not sustained. After five days' notice in writing to said county health officer the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented. Either party, the State Board or the county health officer, may appeal from the decision of said court to the district court of the county, and pending such appeal no salary, fees or allowance shall be paid to said county health officer for any subsequent earned salary, and in the event the charges shall be sustained, the said county health officer shall be charged to pay all costs of court, and shall forfeit all salary, fees and allowances, earned subsequent to the date of filing the charges and protests.

Sec. 27. No bond for costs or bond on appeal or writ of error shall be re-

quired of the State Board of Health or State officials in any actions brought or maintained under this act.

Sec. 28. Each city health officer shall perform such duties as may now or hereafter be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and the president thereof. He shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease, prevention and suppression and sanitation within his jurisdiction. He shall at all times report to the State Board of Health in such manner and form as shall be prescribed by said Board of Health the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State Board of Health shall direct touching all such matters as may be proper for the State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of proper rules, regulations and requirements in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection, and perform such other duties as said State Board of Health shall direct.

In all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said Board of Health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office and shall subject said city health officer to removal from office at the relation of the State Board of Health, which cause shall be tried in the district court of the county in which such city health officer resides.

In the event of a failure or refusal of said city health officer to properly discharge his duties of his office the

State Board of Health shall file charges against said city health officer with the council or city commission of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment of said city health officer of further fees, salary or allowance, and pending such charges and protest no further salary, fees or allowance shall be paid to said city health officer, unless such charges are shown to be untrue and not sustained. After five days' notice in writing to said city health officer, the charges shall be heard before the mayor and council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be represented, and either the city health officer or the State Board of Health shall have the right to appeal to the county court of the county in which the city or town is situated, and if said charges be sustained said city health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees and allowances accrued subsequent to the date of the filing of the charges and protest originally and which may be due him on account of his office.

Sec. 29. The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State.

Sec. 30. There shall be an annual conference of county health officers and city health officers of this State, at such time and place as the State Board of Health shall designate, at which conference the president or some member of the said State Board of Health shall preside. The several counties, towns and cities may provide for and pay the necessary expense of its county health officer or city health officer for attendance upon said conference.

Sec. 31. In all matters wherein the Board of Health shall invoke the assistance of the courts, the action shall run in the name of the State of Texas, and the Attorney General shall assign a special assistant to attend to all legal matters of the board, and upon demand of the board it shall be the duty of the Attorney General to promptly furnish the necessary assistance to the board to attend to all its legal requirements.

Sec. 32. The fact that there is now no uniform and efficient law for the suppression and prevention of disease within this State, other than that of foreign origin, and no effective system for preserving, tabulating and utilizing the vital and mortuary statistics of the State and for the appointment of local

health officers, creates an emergency and imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

APPENDIX A.

SENATE BILLS AND CONCURRENT RESOLUTIONS— HISTORY OF IN SENATE

By Senator Willacy:

Senate bill No. 1, A bill to be entitled
"An Act making an appropriation to
defray the contingent expenses of the
First Called Session of the Thirty-first
Legislature of the State of Texas."

Read first time, and referred to
Committee on Finance..... 5
Reported favorably and be not
printed 10
Constitutional rule suspended and
put on second reading; Senate
rule suspended; read second time;
committee report adopted; or-
dered engrossed; constitutional
rule suspended; read third time,
and passed 7
Reported engrossed 11
Received from House 12
Signed 22
Enrolled bill in full 29

By Senator Hudspeth:

Senate bill No. 2, A bill to be entitled
"An Act to provide for the establish-
ment and maintenance of an Agricul-
tural Experiment Station in Tom Green
and El Paso counties, and making the
necessary appropriation therefor."

Read first time, and referred to
Committee on Agricultural Af-
fairs 5
Reported favorably and be not
printed 12
Read second time; committee re-
port adopted; amended; ordered
engrossed; constitutional rule
suspended; read third time, and
passed 14
Reported engrossed 24
(Died in House.)

By Senator Willacy:

Senate bill No. 3, A bill to be entitled
"An Act aking appropriation to pay
per diem pay of members and per diem
of officers and employes of the First
Called Session of the Thirty-first Legis-
lature of the State of Texas, convened

March 13, 1909, by proclamation of the
Governor, and declaring an emergency."

Read first time, and referred to
Committee on Finance..... 5
Reported favorably and be not
printed 10
Constitutional rule suspended and
put on second reading; Senate
rule suspended; read second time;
committee report adopted; or-
dered engrossed; constitutional
rule suspended; read third time,
and passed 8
Reported engrossed 11
Received from House 12
Signed 22
Enrolled bill in full 29

By Senator Alexander:

Senate bill No. 4, A bill to be entitled
"An Act to create a State Banking
Board; to define its powers and duties;
to provide for a depositors' guaranty
fund under the supervision of said
board, and fixing the conditions and
terms by which banks and trust com-
panies may avail their depositors of the
benefit of said fund; fixing the amounts
to be paid for the creation of said fund
and the manner and time of payments;
fixing the manner of management and
administration of said fund; authoriz-
ing certain advertising privileges to such
banks, and providing a penalty for the
unauthorized use of such advertising
privileges, and declaring an emergency."

Read first time, and referred to
Committee on Insurance, Statia-
tics and History 5
Reported adverse majority, with
favorable substitute; favorable
minority 74
Read second time; majority report
adopted; amended; ordered en-
grossed; constitutional rule sus-
pended; read third time and
passed 144, 153, to 164
Reported engrossed 186
Received from House, with amend-
ments 218

Senate refused to concur in House amendments and requests a Free Conference Committee.....219-245
House grants request for Free Conference Committee..... 281
House requests Senate to appoint new Free Conference Committee.. 334
Senate grants request for new Free Conference Committee..... 335
(Died in Free Conference Committee.)

By Senator Mayfield:

Senate bill No. 5, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station to be located in the Twenty-seventh Senatorial District, composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs 5
Reported favorably and be not printed 23
Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 16
Reported engrossed..... 24
(Died in House.)

By Senators Mayfield and Terrell of McLennan:

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter 11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justices of the peace, and repealing all laws and parts of laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 1..... 5
Reported, adverse majority; favorable minority..... 22
Read second time; pending..... 61
Taken up; majority report adopted, which killed the bill..... 96

By Senator Adams:

Senate bill No. 7, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Twenty-sixth Senatorial District, composed of the counties of Brown, Coleman, Concho, Comanche, Erath, San Saba, Llano, Mc-

Culloch and Runnels, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 5
Reported favorably and be not printed 23
Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 15
Reported engrossed..... 24
(Died in House.)

By Senator Harper:

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

Read first time, and referred to Committee on Public Health..... 5
Reported favorably..... 10
Read second time; pending..... 20
Taken up; amended; amendment pending; pending 21
Taken up; amendment pending; pending 27
Taken up; amended; amendment pending; pending..... 33
Taken up; amended; amendment pending; pending.....45-46
Taken up; ordered printed in Journal; made special order for March 26th 59
Taken up; amended; ordered engrossed; constitutional rule suspended; read third time, and passed79-83
Reported engrossed..... 112
Received from House, with amendments 281
Senate refused to concur in House amendments, and requests a Free Conference Committee..... 283
Free Conference Committee report adopted in Senate..... 297
Free Conference Committee report adopted in House..... 306
Signed 324
Enrolled bill in full..... 378

By Senator Hayter:

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment of an Agricultural Experiment Station to be located in the Thirty-first Senatorial District, composed of Denton, Montague and Wise counties, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs 5

Reported favorably and be not printed 23
 Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed 18
 Reported engrossed 24
 (Died in House.)

By Senators Stokes, Harper, Meachum and Brachfield:

Senate bill No. 10, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing and answer in all cases where the defendant is cited by publication, and declaring an emergency."
 Read first time, and referred to Judiciary Committee No. 1 5
 Reported favorably 22
 Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed 105
 Reported engrossed 112
 Received from House, with amendments 313
 House amendments concurred in... 314
 Signed 324
 Enrolled bill in full 371

By Senator Harper:

Senate bill No. 11, A bill to be entitled "An Act to regulate the procedure in the appellate courts of this State, and to provide for the filing of the original statement of facts as a part of the record on appeal and writ of error in all causes on appeal or writ of error, from all courts, both civil and criminal, with an emergency clause."

Read first time, and referred to Judiciary Committee No. 1 6
 Reported favorably 22
 Read second time; amended; ordered engrossed; constitutional rule suspended; read third time; amended and passed 105-107
 Reported engrossed 119
 (Died in House.)

By Senator Watson:

Senate bill No. 12, A bill to be entitled "An Act providing for the appointment of official shorthand reporters for districts by the judges thereof to report cases; providing for the time and method of making and filing typewritten transcripts of such reports; providing for the time and method of making and filing statements of facts and bills of exceptions on appeals; providing for the qualifications, duties and compensations

of such official shorthand reporters; repealing Chapter 24, page 509, Acts of the First Called Session of the Thirtieth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1 6
 Reported favorably 73
 Read second time; amended; pending 128
 Taken up; amended; ordered engrossed and to be printed in Journal 134
 Reported engrossed 165
 Read third time; amended and passed 167
 Received from House, with amendments 314
 Senate refused to concur in House amendments, and requests a Free Conference Committee 314
 House grants request for Free Conference Committee 315
 Free Conference Committee report adopted in House 334
 Free Conference Committee report rejected in Senate, and new Free Conference Committee requested... 334
 House rescinds adoption of Free Conference Committee report, and grants request for new Free Conference Committee 335
 Free Conference Committee report adopted in Senate 336
 Free Conference Committee report adopted in House 342
 Signed 343
 Enrolled bill in full 363

By Senator Watson:

Senate bill No. 13, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Nineteenth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 6
 Reported favorably and be not printed 23
 Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 17
 Reported engrossed 24
 (Died in House.)

By Senator Alexander:

Senate bill No. 14, A bill to be entitled "An Act to amend Chapter 5, Title 51

of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 6
Reported, adverse majority; favorable minority..... 98
Read second time, and laid on table subject to call..... 291
(Died on table.)

By Senator Alexander:

Senate bill No. 15, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas of 1895, by amending Article 2125 of said chapter relating to citations in the sale of land by executors or administrators of the estates of decedents, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 6
Reported favorably..... 22
Read second time; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 109
Reported engrossed..... 118
Received from House..... 314
Signed..... 324
Enrolled bill in full..... 369

By Senator Hudspeth:

Senate bill No. 16, A bill to be entitled "An Act for the protection of stock and stock raisers, farmers and horticulturists from the danger of wolf bite, and the communication of the dangerous disease of hydrophobia, and for the destruction of wolves and other wild animals, subject to the disease of hydrophobia, and to provide a means of paying for their destruction, and to make an appropriation for paying for their destruction; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Public Health..... 6
Reported favorably..... 23
Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed..... 110
Reported engrossed..... 119
(Died in House.)

By Senator Hudspeth:

Senate bill No. 17, A bill to be entitled "An Act to amend Articles 1544 and 1546 of Chapter 2, Title 32 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith."

Read first time, and referred to Judiciary Committee No. 1..... 6
Reported favorably..... 97
Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed..... 309
Reported engrossed..... 326
(Died in House.)

By Senators Ward and Bryan:

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency."

Read first time, and referred to Committee on Finance..... 11
Reported, favorable majority; favorable minority, with amendments..... 41
Read second time; majority report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 78
Reported engrossed..... 101
Received from House..... 314
Signed..... 323
Enrolled bill in full..... 369

By Senator Ward:

Senate bill No. 19, A bill to be entitled "An Act defining land suits, providing for the compulsory attendance upon the trial of such suits, of witnesses residing or who may be found outside of the county in which such suit is pending, and for the production by such witnesses upon the trial of such suit of books, papers and other evidence in or subject to the custody, control or possession of such witnesses, and for mileage and per diem of such witnesses, and for collection and payment thereof; providing for compulsory process to enforce such attendance of such witnesses and prescribing fees for service thereof, and compensation thereof; prescribing penalties for violation of the provisions of this act, and for the enforcement of such penalties; making this act cumulative of existing laws; making an appropriation to carry the provisions of this act into effect, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 12
(Died in committee.)

By Senator Hume:

Senate bill No. 20, A bill to be entitled "An Act to validate sales of real estate within this State, heretofore made by foreign executors of wills probated in any of the States of the United States."

Read first time, and referred to Judiciary Committee No. 1.....	13
Reported favorably.....	40
Read second time; made special order for April 1st.....	114
Taken up; amended; ordered engrossed.....	120
Reported engrossed.....	132
Read third time, and passed.....	142
Received from House.....	314
Signed.....	324
Enrolled bill in full.....	375

By Senator Cofer:

Senate bill No. 21, A bill to be entitled "An Act to amend Article 2534 and Article 2535, Title 49 of the Revised Civil Statutes of 1895, relating to appeals in cases of forcible entry and detainer, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.....	13
Reported favorably.....	41
Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed.....	115
Reported engrossed.....	118
(Died in House.)	

By Senator Cofer:

Senate bill No. 22, A bill to be entitled "An Act to amend Article 2256, Chapter 31, Title 39 of the Revised Civil Statutes of 1895, relating to appeals to the District Court in probate cases, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.....	13
Reported favorably.....	40
Read second time; ordered engrossed; constitutional rule suspended; read third time and passed.....	115
Reported engrossed.....	118
Received from House.....	314
Signed.....	324
Enrolled bill in full.....	376

By Senator Hudspeth:

Senate bill No. 23, A bill to be entitled "An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land Office, Governor's Mansion, State University,

and the various public institutions of the State of Texas in the city of Austin and adjacent thereto, etc., and declaring an emergency."

Read first time, and referred to Committee on State Affairs.....	13
Reported favorably and be not printed.....	29
Read second time;; committee report adopted; amended; ordered engrossed; constitutional rule suspended; engrossment vote reconsidered; amended; ordered engrossed; constitutional rule suspended; read third time, and passed.....	110
Reported engrossed.....	118
Received from House.....	196
Signed.....	245
Enrolled bill in full.....	277

By Senator Cofer:

Senate bill No. 24, A bill to be entitled "An Act declaring corporations, receivers or other persons operating railroads in this State to be liable to employes for injuries received through the negligence of such employer, officer, agent or servant, or, in case of death from such injury, to be liable to the surviving widow and children and mother and father of the deceased, and if none then of the next of kin dependent upon such employes; prescribing the effect of contributory negligence and assumed risk upon the right of recovery; declaring void any contract, rule or regulation intended to enable the employer to limit liability; also providing that employer shall be entitled to set off against any claim any sum contributed by such employer to a fund provided for such cases, and which was actually paid to the injured party; also that nothing in this act shall impair any right under any other law in this State or of the United States, or in any way interfere with any proceeding now pending in any court, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.....	13
Reported, favorable majority; adverse minority.....	64
Read second time; majority report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed.....	179
Reported engrossed.....	209
Received from House, with amendments.....	281
House amendments concurred in...	282
Signed.....	323
Enrolled bill in full.....	358

By Senators Brachfield and Harper:

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.....	13
Reported, favorable minority, with amendment; adverse minority....	99
Read second time; majority report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed	145
Reported engrossed	170
Received from House, with amendments	295
House amendments concurred in...	307
Signed	324
Enrolled bill in full.....	371

By Senators Meachum, Stokes, Mayfield, Alexander and Harper:

Senate bill No. 26, A bill to be entitled "An Act to amend Sections 6 and 11 of Chapter 94 of the Acts of the Twenty-eighth Legislature, page 119, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' providing venue; providing punishment for violations thereof; fixing compensation, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.....	13
Reported favorably	40
Read second time; amendment pending; pending.....	116
Taken up; amended; ordered engrossed; constitutional rule suspended; read third time, and passed	121
Reported engrossed.....	131
Received from House, with amendments	315
House amendments concurred in...	318
Concurrence vote reconsidered; Senate refused to concur in House amendments, and requests Free Conference Committee.....	319

House grants request for Free Conference Committee.....	320
Free Conference Committee report adopted in Senate.....	320
Free Conference Committee report adopted in House.....	326
Signed	343
Enrolled bill in full.....	377

By Senator Veale:

Senate bill No. 27, A bill to be entitled "An Act providing for the establishment of an experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Twenty-ninth Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs..	25
Reported favorably and be not printed	39
Senate rule suspended; read second time; committee reported adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	35
Reported engrossed	49
(Died in House.)	

By Senators Kellie and Stokes:

Senate bill No. 28, A bill to be entitled "An Act to fix the priority right to water from irrigating canals situated in this State, and the proper distribution of water from same; defining and prohibiting discrimination and extortion by canal companies; giving county commissioners court of each county power and making it their duty to fix rates at which water shall be furnished upon application of any canal company or the majority of the individuals entitled to water from same, and giving to said court the authority, for said purpose, to examine books of said company and to examine its officers and employees under oath, making it their duty to report violations of the irrigation laws to the county attorney, and see that the provisions of this law are carried out; to investigate all complaints and to enforce all laws on irrigation, and providing penalties for violating provisions of this act; fixing the venue of penalty suits, designating who shall bring said suits, the fee he shall receive, the rules of evidence to be observed, disposition of fines recovered; defining the terms "irrigation canals" and "canal company" as used herein, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs..	25
Withdrawn by authors (see resolution)	82

By Senator Ward:

Senate bill No. 29, A bill to be entitled "An Act to amend Subdivision 3 of Section 1 of Chapter 107 of the Acts of the Regular Session of the Thirtieth Legislature, pertaining to Article 2989, Title 56, of the Revised Civil Statutes, with respect to the granting of injunctions, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 26
Reported favorably..... 41
Read second time; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 123
Reported engrossed..... 132
Received from House..... 315
Signed 323
Enrolled bill in full..... 367

By Senator Senter:

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10, of the Revised Civil Statutes, with respect to the issuing of writs of attachment and garnishment, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 26
Reported adverse majority; favorable minority..... 98
Read second; time; laid on table subject to call..... 309
(Died on table.)

By Senator Bryan:

Senate bill No. 31, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twenty-eighth Senatorial district."

Read first time, and referred to Committee on Agricultural Affairs.. 26
Reported favorably and be not printed 39
Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 36
Reported engrossed..... 48
(Died in House.)

By Senator Meachum:

Senate bill No. 32, A bill to be entitled "An Act to amend Chapter 4 of Title 28 of the Revised Civil Statutes of the State of Texas by adding thereto Article 1111a, providing that when the time prescribed by law for the ending of a

regular or special term of any district court shall occur during the trial of a cause, the term shall be extended for such additional length of time as may be necessary to allow such trial to be concluded, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 26
Reported favorably and be not printed 40
Read second time; postponed indefinitely 168
(Died on calendar.)

By Senator Meachum:

Senate bill No. 33, A bill to be entitled "An Act to amend Chapter 3 of Title 28 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1107a, empowering judges of the district court to act in vacation, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 26
Reported favorably..... 40
Read second time; ordered engrossed; engrossment vote reconsidered; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 178
Reported engrossed..... 186
Received from House..... 315
Signed 323
Enrolled bill in full..... 370

By Senator Meachum:

Senate bill No. 34, A bill to be entitled "An Act providing for the establishment of an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry; said station to be located in the Fifteenth Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs.. 26
Reported favorably and be not printed 39
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 56
Reported engrossed 65
(Died in House.)

By Senator Brachfield, Terrell of Bowie and Alexander:

Senate bill No. 35, A bill to be entitled "An Act to amend Article 402, Chapter 6, Title 11 of the Penal Code, as amended by Chapter 40 of the General Laws of the Twenty-eighth Legislature."

Read first time, and referred to Judiciary Committee No. 2..... 26

Reported favorably.....	62
Read second time; ordered engrossed; constitutional rule suspended; read third time, amended and passed.....	126
Reported engrossed.....	131
Received from House.....	315
Signed	223
Enrolled bill in full.....	360

By Senator Senter:

Senate bill No. 36, A bill to be entitled "An Act to promote the speedy administration of justice in each of the counties of this State which contains a city or cities with a population of not less than twenty-five thousand as shown by the last Federal census and which county also contains as many as three district courts with civil jurisdiction only, one district court with criminal jurisdiction only, and a county court and a county court at law, and to establish and create in each of such cities so situated and containing a population of not less than twenty-five thousand a State court to be known as the 'county corporation court' of such county,, and to prescribe the jurisdiction and organization and powers thereof, and the procedure therein, etc., and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.....	26
Reported favorably.....	39
Senate rule suspended; read second time; ordered engrossed; constitutional rule suspended; read third time, and passed.....	32
Reported engrossed.....	42
(Died in House.)	

By Senator Senter:

Senate bill No. 37, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax and prescribing the method of its collections, and declaring an emergency."

Read first time, and referred to Committee on Finance.....	27
Reported favorably	41
Read second time, and postponed indefinitely	179
(Died on calendar.)	

By Senator Alexander:

Senate bill No. 38, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Thirtieth Senatorial District, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs...	30
Reported favorably and be not printed	39
Constitutional rule suspended, and put on second reading; Senate rule suspended, read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	37
Reported engrossed.....	48
(Died in House.)	

By Senator Greer:

Senate bill No. 39, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station in the Thirty-second Representative District, and making the necessary appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs	31
Reported favorably and be not printed	39
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed.....	44
Reported engrossed	65
(Died in House.)	

By Seator Harper:

Senate bill No. 40, A bill to be entitled "An Act to authorize and empower any party to any cause, or his attorney of record, to print or typewrite or cause to be printed or typewritten the transcript of the record in any cause on appeal or writ of error, and requiring the clerk of the trial court to proof-read and certify to the same, and providing for his compensation for the same."

Read first time, and referred to Judiciary Committee No. 1.....	31
Reported favorably	100
Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed	190
Reported engrossed	208
(Died in House.)	

By Senators Real and Alexander:

Senate bill No. 41, A bill to be entitled "An Act creating the office of State Fire Marshal, and defining his powers and duties, and providing for the investigation of fires for the purpose of ascertaining the cause thereof, and prescribing the duties of certain officers in con-

nection with such investigation, and of school teachers respecting fire protection, and amending Section 8 of Chapter 18 of the General Laws of the First (called Session of the Thirtieth Legislature so as to increase the rate of taxes on fire insurance companies, and provide an additional tax sufficient to defray the expenses incurred by the maintenance of the office of State Fire Marshal and the performance of his duties as herein defined; providing penalties for violations of certain provisions of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History..... 31
Reported favorably 64
Read second time, and laid on table subject to call..... 206
(Died on table.)

By Senator Senter:

Senate bill No. 42, A bill to be entitled "An Act to regulate the practice and procedure in the trial of civil causes in the district and county courts, and the filing of such causes, and the issuance and service of citation, the entry of appearance, the filing of answers, the calls for juries, the granting of continuances, the filing service and hearing of motions and demurrers, taking of testimony, the giving of instructions to juries, the form of the verdict, the conduct of the jury, the filing and hearing of motions for new trials, the impeachment of verdicts by jurors and hearings thereon, the effect to be given to errors in procedure, the filing of statements of facts and bills of exception, the allowance and the effect of appeals upon the orders and decrees of the court and the making up of the transcript in such causes, and the entry of orders and trial of causes by the judges of the district courts in vacation, and the entry and enforcement of rules for costs and repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 31
(Died in committee.)

By Senator Senter:

Senate bill No. 43, A bill to be entitled "An Act to regulate the pleadings in civil suits in the district and county courts, and declaring the effect thereof, and regulating the time and manner of filing the same and amendments thereof, and the time and manner of notices to adverse parties, and the hearings

thereon, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 31
(Died in committee.)

By Senator Senter:

Senate bill No. 44, A bill to be entitled "An Act to regulate the practice and procedure in the hearing of causes on appeal to the Courts of Civil Appeals and the Supreme Court, and to prescribe and fix limitations upon writs of error from the Supreme Court, and providing for the certification of questions by judges of the Courts of Civil Appeals to the Supreme Court, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 31
(Died in committee.)

By Senators Peeler, Paulus and Bryan:

Senate bill No. 45, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice and to insure the better education of practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2..... 31
Reported favorably 47
Read second time, and refused to engross 173
Vote by which Senate refused to engross rescinded 181
Postponed indefinitely 206
(Died on calendar.)

By Senators Perkins and Alexander:

Senate bill No. 46, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor except as permitted by law in any territory in this State where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions arising hereunder."

Read first time, and referred to Judiciary Committee No. 2..... 32
Reported favorably..... 63

Read second time; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 123
 Reported engrossed 131
 Received from House 295
 Signed 323
 Enrolled bill in full 369

By Senator Senter:

Senate bill No. 47, A bill to be entitled "An Act to regulate and fix the terms of each judicial district in the State which contains no more than one county, and the practice and procedure in such courts, and providing for default judgments therein, and regulating the times for trials therein, and applications for postponements thereof, and the appointment of jury commissioners, and the selection and service of jurors therein, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1 32
 (Died in committee.)

By Senators Hume and Masterson:

Senate bill No. 48, A bill to be entitled "An Act amending that part of Title 31 of the Revised Statutes of the State of Texas which provides for the establishment of a criminal district court for the criminal district composed of the counties of Galveston and Harris, by adding thereto Chapter 3a, providing for a district attorney for said criminal district, and prescribing the duties, powers and compensation of the district attorney for said criminal district, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts 43
 Reported favorably and be not printed 48
 Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed 67
 Reported engrossed 101
 (Died in House.)

By Senators Hume and Masterson:

Senate bill No. 49. A bill to be entitled "An Act amending Chapter 4 of Title 31 of the Revised Statutes of the State of Texas relating to the establishment of a criminal district court for the criminal district composed of Galveston and Harris counties, by providing for the appointment, duties, qualification and compensation of assistant district attorneys for said criminal districts, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts 43
 Reported favorably and be not printed 48
 Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed 68
 Reported engrossed 102
 (Died in House.)

By Senators Hume and Masterson:

Senate bill No. 50, A bill to be entitled "An act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties."

Read first time, and referred to Committee on Judicial Districts 43
 Reported favorably and be not printed 48
 Read second time; committee report adopted; ordered engrossed 69
 Reported engrossed 101
 Read third time, and passed 83
 Received from House, with amendments 296
 House amendments concurred in 307
 Signed 323
 Reported enrolled 358

By Senator Terrell of Bowie:

Senate bill No. 51, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the First Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs 43
 Reported favorably and be not printed 48
 Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed 53
 Reported engrossed 65
 (Died in House.)

By Senator Paulus:

Senate bill No. 52, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Eighteenth Senatorial District, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs 43
 Reported favorably and be not printed 47

Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 70
Reported engrossed..... 102
(Died in House.)

By Senator Terrell of McLennan:

Senate bill No. 53, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural Experiment Station in the Eleventh Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 43

Reported favorably and be not printed 47

Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 54

Reported engrossed..... 65
(Died in House.)

By Senator Sturgeon:

Senate bill No. 54, A bill to be entitled "An Act providing for the establishment of an agricultural experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Third Senatorial District, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 43

Reported favorably and be not printed 47

Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 57

Reported engrossed..... 77
(Died in House.)

By Senator Weinert:

Senate bill No. 55, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Twenty-first Senatorial District, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 43

Reported favorably and be not printed 47

Read second time; committee report adopted; amended; ordered engrossed; constitutional rule sus-

pending; read third time, and passed 58
Reported engrossed 76
(Died in House.)

By Senator Senter:

Senate bill No. 56, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended."

Read first time, and referred to Committee on Insurance, Statistics and History..... 43

Reported favorable majority; adverse minority..... 74

Read second time; majority report adopted; amended; amendments pending; pending..... 215-217-218

Taken up; laid on table subject to call 290
(Died on table.)

By Senator Terrell of McLennan:

Senate bill No. 57, A bill to be entitled "An Act to amend Sections 1 and 13 of Chapter 139 of the Acts of the Thirtieth Legislature, on page 269 of the Acts thereof, approved April 18, 1907, relating to the manner of selecting jurors in all counties in Texas having a city or cities therein which contain a population aggregating 20,000 or more people, and to declare an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 44
(Died in committee.)

By Senator Harper:

Senate bill No. 58, A bill to be entitled "An Act to authorize the preparation of a bill of exceptions in term time, or within thirty days after the term expires, in all civil causes tried in the district and county courts, embracing the whole record, and authorizing the omission of immaterial parts of the proceedings therefrom, and making such bill of exceptions the record on appeal or writ of error, and authorizing the original to be filed and used on appeal or writ of error, and obviating the filing of assignments of error in the trial courts in such cases."

Read first time, and referred to Judiciary Committee No. 1..... 44
(Died in committee.)

By Senator Perkins:

Senate bill No. 59, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station in the Fifth Senatorial District of Texas, and making

an appropriation of \$10,000 therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 44

Reported favorably and be not printed 63

Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 50

Reported engrossed..... 76
(Died in House.)

By Senator Cofer:

Senate bill No. 60, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural station in the Fourth Senatorial District of Texas, and making an appropriation of \$2500 therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 44

Reported favorably and be not printed 63

Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed 55-56

Reported engrossed 76
(Died in House.)

By Senator Murray:

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publications of citations as authorized under Article 1236 of the Revised Civil Statutes of the State of Texas of 1895, and declaring an emergency."

Read first time, and referred to Committee on Judiciary No. 1..... 49

Reported adverse majority; favorable minority..... 98

Read second time, minority report adopted; ordered engrossed; constitutional rule suspended; read third time and passed..... 182

Reported engrossed..... 209
(Died in House.)

By Senators Veale, Harper, Brachfield, Murray and Bryan:

Senate bill No. 62, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experimental stations in certain parts of Texas; to provide for proper appropriation therefor, and repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs... 49

Reported favorably..... 100

Read second time and laid on table subject to call..... 309
(Died on table.)

By Senator Harper:

Senate bill No. 63, A bill to be entitled "An Act to amend an act to prescribe the time within which statements of fact, bills of exception may be filed in causes tried in the district and county courts of Texas, and to authorize judges whose terms of office have expired to approve statement of facts and bills of exception, and providing that judges also have ten days after adjournment of the term of court at which said cause may be tried to file findings of facts and conclusions of law, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 49

Reported favorably, with amendments 99

Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 181

Reported engrossed..... 208
(Died in House.)

By Senator Hudspeth:

Senate bill No. 64, A bill to be entitled "An Act to authorize and empower the State Health Officer to isolate and return to their homes indigent consumptives sojourning in other sections of the State; providing appropriation to carry this law into effect, and declaring an emergency."

Read first time, and referred to Committee on Public Health..... 49

Reported favorably..... 63

Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed; final passage and engrossment vote reconsidered; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 147-152

Reported engrossed..... 165

Received from House, with amendments 315

House amendments concurred in... 316

Signed 323

Enrolled bill in full..... 360

By Senator Alexander:

Senate bill No. 65, A bill to be entitled "An Act to amend Article 3388, Title

69, Revised Civil Statutes of the State of Texas, 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 50
Reported favorably..... 100
Read second time; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 174
Reported engrossed..... 186
Received from House..... 317
Signed..... 323
Enrolled bill in full..... 362

By Senator Adams:

Senate bill No. 66, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.. 50
Reported favorably and be not printed..... 63
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 82
Reported engrossed..... 112
Received from House..... 172
Signed..... 183
Reported enrolled..... 200

By Senators Holsey, Cofer, Terrell of McLennan, Terrell of Bowie, Senter Sturgeon, Hudspeth, Veale, Alexander, Willacy, Perkins, Real, Hayter, Greer, Peeler, Adams, Paulus, Murray, Bryan, Ward, Kellie:

Senate bill No. 67, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Second Senatorial District."

Read first time, and referred to Committee on Agricultural Affairs..... 50
Reported favorably and be not printed..... 63
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 69

Reported engrossed..... 102
(Died in House.)

By Senator Peeler:

Senate bill No. 68, A bill to be entitled "An Act for the establishment of an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twentieth Senatorial District, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs..... 50
Reported favorably and be not printed..... 73

Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 71
Reported engrossed..... 101
(Died in House.)

By Senator Masterson:

Senate bill No. 69, A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Public Health..... 50
Reported favorably..... 73
Read second time; amendment pending; pending..... 168
Taken up; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 173
Reported engrossed..... 186
Received from House, with amendments..... 315
House amendments concurred in.... 315
Signed..... 323
Enrolled bill in full..... 361

By Senator Real:

Senate bill No. 70, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station to be located in the Twenty-fourth Senatorial District, composed of Bexar, Kendall, Kerr, Bandera and Gillespie counties, and making the necessary appropriations therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs..... 50
Reported favorably and be not printed..... 73

Read second time, and laid on the table subject to call..... 291
(Died on table.)

By Senator Masterson:

Senate bill No. 71, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural experiment station in the Seventeenth Senatorial District of Texas, and making an appropriation of \$5000 therefor, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs..... 50
Reported favorably and be not printed..... 73
Read second time, and laid on table subject to call..... 291
(Died on table.)

By Senator Weinert:

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 50
Reported favorably..... 97
Read second time; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 205
Reported engrossed..... 274
Received from the House, with amendments..... 317
House amendments concurred in..... 317
Signed..... 324
Enrolled bill in full..... 376

By Senator Meachum:

Senate bill No. 73, A bill to be entitled "An Act to amend Article 942, Chapter 2, Title 27 of the Revised Statutes, regulating the prosecution of writs of error to the Supreme Court, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 67
Reported favorably, with amendments..... 97
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed; final passage and engrossment vote reconsidered; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 188-195
Reported engrossed..... 208
(Died in House.)

By Senators Stokes, Kellie and Wil-
lacy:

Senate bill No. 74, A bill to be entitled "An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs..... 67
Reported favorably, with amendments..... 101
Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 148
Reported engrossed..... 165
Received from House..... 219
Signed..... 246
Enrolled bill in full..... 375

By Senator Senter:

Senate bill No. 75, A bill to be entitled "An Act providing that the plea of contributory negligence shall be no defense to any cause of action in this State, if at the time such cause of action arose, the person, firm or corporation interposing such plea of contributory negligence was acting in violation of any statute of the State or in violation of any ordinance of any incorporated town or city within the State, defining contributory negligence, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 67
(Died in committee.)

By Senator Harper:

Senate bill No. 76, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purpose for which same shall be held, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History..... 67
Reported favorably and be not printed..... 100
Ordered printed in Journal..... 203
Read second time, and laid on table subject to call..... 309
(Died on table.)

By Senators Peeler and Watson:

Senate bill No. 77, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History..... 78
Reported favorably and be not printed 101
Read second time; laid on table subject to call..... 188
(Died on table.)

By Senator Hudspeth:

Senate bill No. 78, A bill to be entitled "An Act to amend Chapter 114, Acts of the Twenty-eighth Legislature, approved April 6, 1903, entitled 'An Act requiring the disinfection of public buildings, railway coaches and sleeping cars, and providing a penalty for the violation thereof, by adding thereto Section 5 declaring slaughter houses, meat markets and dairies to be public buildings, and to declare an emergency.'"

Read first time, and referred to Committee on Public Health..... 78
(Died in committee.)

By Senator Hudspeth:

Senate bill No. 79, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Crockett county, and the county court of Edwards county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts..... 104
Reported favorably and be not printed 117
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 191
Reported engrossed..... 208
Received from House..... 317
Signed 323
Reported enrolled..... 358

By Senator Perkins:

Senate bill No. 80, A bill to be entitled "An Act to establish and maintain in the Fourth Congressional District of Texas, an agricultural experimental station, and the Grubbs' Self-Help and Industrial College, and to locate the same at the town of Campbell, Hunt county, Texas; making an appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.... 113
Reported favorably and be not printed 117
Read second time, and laid on table subject to call..... 309
(Died on table.)

By Senator Weinert:

Senate bill No. 81, A bill to be entitled "An Act to provide for attorneys filing suits in the county and district courts of this State, to furnish the clerks at the time of filing petitions a statement of the nature of the cause of action."

Read first time, and referred to Judiciary Committee No. 1..... 113
(Died in committee.)

By Senator Cofer:

Senate bill No. 82, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries 113
Reported favorably and be not printed 117
Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 149
Reported engrossed..... 165
(Died in House.)

By Senator Hudspeth:

Senate bill No. 83, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas by adding thereto Article 825a, prohibiting the cutting of wood, trees or shrubs suitable for fuel, or other useful purposes, from the enclosed lands of another; providing a penalty for a violation thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2..... 119

Reported favorably and be not printed	131
Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed	181
Reported engrossed	209
(Died in House.)	

By Senator Weinert:

Senate bill No. 84, A bill to be entitled "An Act to amend Section 2 of an act passed by the Regular Session of the Thirty-first Legislature, known as an act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, etc., and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs . . .	119
Reported favorably and be not printed	131
Constitutional rule suspended and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	125
Reported engrossed	132
Received from House	197
Signed	246
Reported enrolled	280

By Senator Hudspeth:

Senate bill No. 85, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District, in Coke county, Texas," etc.

Read first time, and referred to Committee on Educational Affairs . . .	120
Reported favorably and be not printed	166
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	213
Reported engrossed	274
Received from House	317
Signed	323
Reported enrolled	358

By Senator Hudspeth:

Senate bill No. 86, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District," etc.

Read first time, and referred to Committee on Educational Affairs . . .	120
Reported favorably and be not printed	166

Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	213
Reported engrossed	275
Received from House	317
Signed	323
Reported enrolled	358

By Senators Terrell of McLennan and Bryan:

Senate bill No. 87, A bill to be entitled "An Act to authorize any county or political subdivision or other defined district of a county, upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision or defined districts of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes or in aid thereof; creating road districts; making them bodies corporate; creating the office of road superintendent; providing that any county operating under a special road law may take advantage of any of the provisions of this act; repealing Senate bill No. 264 passed by the Regular Session of the Thirty-first Legislature, and House bill No. 727, passed by the Thirtieth Legislature, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries	120
Reported favorably and be not printed	130
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	143
Reported engrossed	164
Received from House, with amendments	200
House amendments concurred in . . .	200
Signed	246
Enrolled bill in full	275

By Senators Watson and Hume:

Senate bill No. 88, A bill to be entitled "An Act amending Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no com-

pany shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State; and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History..... 133
Reported favorably and be not printed 171
Read second time, and laid on table subject to call..... 310
(Died on table.)

By Senator Willacy:

Senate bill No. 89, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown-gall, knack-knot, or any tree, shrub or plant infested with or by the San Jose scale, white fly, or other dangerous, injurious or destructive pests or diseases, and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employees to seek out and destroy such trees," etc., and declaring an emergency.

Read first time, and referred to Committee on Agricultural Affairs... 134
Reported favorably and be not printed 207
Read second time, and laid on table subject to call..... 310
(Died on table.)

By Senator Kellie:

Senate Concurrent Resolution No. 1, Providing for sine die adjournment of the First Called Session of the Thirty-first Legislature; fixing the time for April 6, 1909.

Read first time, and referred to Committee on Finance..... 6
Reported favorably with amendments and be not printed..... 207
Senate rule suspended; read; committee report adopted; adopted.. 190
(Died in House.)

By Senator Cofer:

Senate Concurrent Resolution No. 2, Providing for printing of Legislative Manuals for use of members and officers.

Read first time, and referred to Committee on Rules..... 113
Reported favorably and be not printed 118
Read; committee report adopted; resolution adopted..... 143
Received from House with amendments 152
House amendments concurred in... 153
Signed 170

By Senators Murray and Willacy:

Senate Concurrent Resolution No. 3, Be it Resolved by the Senate, the House concurring, that our representatives in the United States Congress be, and they are hereby requested to use their best efforts to have a law passed authorizing the Secretary of Commerce and Labor to co-operate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries with the Fish and Oyster Commissioner of the State of Texas in making surveys of the natural oyster beds, bars and rocks in the gulf waters upon the coast of Texas, etc.

Read first time, and referred to Committee on Federal Relations.... 171
Reported favorably and be not printed 184
Read; committee report adopted; amended; adopted..... 211
(Died in House.)

APPENDIX B.

SIMPLE RESOLUTIONS—HISTORY OF IN SENATE.

By Senator Ward: Providing for appointment of stenographer. Read and adopted.....	3	By Senator Watson: Providing for printing 8000 copies of the Senate Journal of March 12th. Read and adopted.....	25
By Senators Willacy and Alexander: Providing for rules for the Called Session. Read and adopted.....	3	By Senator Cofer: Thanking the citizens of Fort Worth for the entertainment of the Legislature. Read and adopted.....	25
By Senator Willacy: Authorizing the President of the Senate to appoint a postmistress and a private secretary. Read and adopted.....	4	By Senator Brachfield: Providing for a committee to arrange for the address by Hon. W. J. Bryan. Read and adopted.....	32
By Senator Terrell of Bowie: Providing for subscribing for newspapers. Read, substitute adopted; adopted..	6	By Senator Holsey: Providing for a committee of five Senators to revise Senate bill No. 8. Read and lost.....	32
By Senator Watson: Increasing per diem of certain officers of the Senate. Read; substitute adopted; adopted.	7	By Senator Cofer: Extending the privilege of the floor to Hon. W. A. Ledbetter and inviting him to address the Senate. Read and adopted.....	44
By Senator Terrell of Bowie: Providing for a committee of five Senators to draft bills covering certain subjects. Read; laid on the table subject to call	9	By Senator Willacy: Relating to the Senator from Jasper. Read and adopted.....	45
By Senator Perkins: Providing that certain speeches be printed in the Journal. Read and adopted.....	9	By Senator Murary et al.: Thanking the citizens of Uvalde for the entertainment of members of the Senate. Read and adopted.....	66
By Senator Hayter et al.: Excusing Assistant Doorkeeper E. L. Dreeben for three days. Read and adopted.....	10	By Senators Kellie and Stokes: Withdrawing Senate bill No. 28 from the Calendar. Read and adopted.....	82
By Senator Terrell of Bowie: Providing for printing 8000 copies of the Senate Journal of March 13th. Read and adopted.....	15	By Senator Kellie et al.: Relative to the death of Hon. L. J. Storey; providing that the Senate attend the funeral in a body and extending sympathy to the bereaved family. Read and adopted.....	103
By Senator Cofer: Providing for election of an Assistant Engrossing Clerk. Read and adopted.....	21		

<p>By Senator Peeler:</p> <p>Granting the use of the Senate Chamber to the Texas Woman's Press Association on May 4th and 5th.</p> <p>Read and adopted..... 104</p>	<p>By Senators Senter and Alexander:</p> <p>Relative to disastrous fires in Fort Worth and Dallas; also relative to taxing property of those damaged by fire.</p> <p>Read and laid on table subject to call 198</p> <p>Called up and adopted..... 281</p>
<p>By Senators Veale and Sturgeon:</p> <p>Relating to manner of consideration of bills on Calendar.</p> <p>Read and lost on point of order.... 104</p>	<p>By Senator Watson:</p> <p>Providing for correction in Journal of April 2d.</p> <p>Read and adopted..... 215</p>
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APPENDIX C.

HOUSE BILLS AND CONCURRENT RESOLUTIONS— HISTORY OF IN SENATE.

House bill No. 1, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State banking law; providing additional safeguards for the protection of the depositors and other creditors of such institutions, etc., and declaring an emergency."	106
Received from House.....	106
Read first time, and referred to Judiciary Committee No. 2.....	106
Reported favorably, with amendments	165
Read second time; committee report adopted; amended and passed to third reading; constitutional rule suspended; read third time, and passed	199
House reports concurrence in Senate amendments	217
Signed	292
House bill No. 11, A bill to be entitled "An Act to establish four additional State agricultural experiment stations, and providing the ways and means for their maintenance, and the maintenance of farm demonstration work in connection with said experiment stations, and making an appropriation therefor, and declaring an emergency."	
Received from House.....	72
Read first time and referred to Committee on Agricultural Affairs	72
Reported favorably.....	100
Read second time; amended; passed to a third reading; constitutional rule suspended; read third time, and passed.....	192
House refused to concur in Senate amendments and requested a Free Conference Committee.....	217
Senate grants request for Free Conference Committee.....	281
Senate adopted Free Conference Committee report.....	296
House reports adoption of Free Conference Committee report....	306
Signed	323
House bill No. 16, A bill to be entitled "An Act to amend Article 1019, Title 27, Chapter 16 of the Revised Civil Statutes of the State of Texas, relating to appearances by brief of attorneys for either party in the Courts of Civil Appeals, and declaring an emergency."	
Received from House.....	171
Read first time, and referred to Committee on Insurance, Statistics and History.....	172
Reported, adverse majority with favorable substitute and that same be printed in Journal, with favorable minority	247
Substitute and original ordered printed in Journal.....	217
Read second time and laid on table subject to call.....	310
(Died on table.)	
House bill No. 3, A bill to be entitled "An Act to amend Article 529n of the Penal Code of the State of Texas adopted at the Regular Session of the Twenty-fourth Legislature of the State of Texas; Article 529h of Chapter 98 of the Acts of the Regular Session of the Twenty-fifth Legislature of Texas; Article 529g of Chapter 90 of the Acts of the Regular Session of the Twenty-ninth Legislature of Texas; Article 2518, 2518a, 2518m, 529e, 529j, 529o of Chapter 126 of the Acts of the Regular Session of the Thirtieth Legislature of Texas, and adding thereto Article 2518k, referring to licenses required of dealers in fish and oysters, and Article 529j, referring to screening of pumps, etc.; and repealing all laws in conflict with the above, relating to the duties and powers of the Game, Fish and Oyster Commissioner."	

Received from House.....	62	suspended; read third time, and passed	327-330
Read first time, and referred to Committee on Judiciary No. 1.....	62	House reports concurrence in Senate amendments	334
Reported favorably.....	97	Signed	343
Read second time, and passed to a third reading; constitutional rule suspended; read third time, and passed	197	House bill No. 65, A bill to be entitled "An Act to provide for the incorporation, organization, regulation and supervision of co-operative life insurance companies in this State and providing penalties for violations of this act."	
Signed	246	Received from House.....	311
House bill No. 17, A bill to be entitled "An Act to amend Article 1407, Chapter 19 of Title 30, Revised Civil Statutes of Texas, 1895, relative to appeal bond on any appeal or writ of error."		Read first time, and referred to Committee on Insurance, Statistics and History.....	311
Received from House.....	70	Reported favorably and be not printed	326
Read first time, and referred to Committee on Judiciary No. 1.....	72	Constitutional rule suspended, which placed the bill on second reading; Senate committee rule suspended; read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed	318
Reported favorably.....	97	Signed (See Errata).	
Read second time; amended; passed to a third reading; constitutional rule suspended; read third time, and passed.....	198	House bill No. 66, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax,' etc., and declaring an emergency."	
House reports refusal to concur in Senate amendments and requested the appointment of a Free Conference Committee	217	Received from House.....	311
Senate grants request for Free Conference Committee.....	217	Read first time, and referred to Committee on Judiciary No. 2.....	311
Senate adopted Free Conference Committee report.....	291	Reported, adverse majority with favorable substitute, with favorable minority and be not printed.....	343
Signed	322	Senate committee rule suspended; read second time; majority committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed.....	332
House bill No. 34, A bill to be entitled "An Act to amend Article 376, Title 11, Chapter 2, of the Penal Code of Texas, relating to the offering for sale, tickets in raffle."		House reports concurrence in Senate amendments.....	335
Received from House.....	308	Signed	343
Read first time, and referred to Committee on Judiciary No. 1.....	309	House bill No. 71, A bill to be entitled "An Act imposing an occupation tax upon life insurance companies not organized under the laws of this State, and fixing the rate of such tax, and prescribing the method of its collection, and declaring an emergency."	
Reported, favorable majority, and be not printed; minority adverse... (Died on calendar.)	325	Received from House.....	70
House bill No. 55, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."		Read first time, and referred to Committee on Finance.....	72
Received from House.....	291		
Read first time, and referred to Committee on Insurance, Statistics and History.....	292		
Reported favorably and be not printed	324		
Read second time; committee report adopted; amended; passed to a third reading; constitutional rule			

Reported favorably and be not printed	73
Read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed..	113
Signed	130

House bill No. 102, A bill to be entitled "An Act amending Chapter 2, Title 104, Article 5066, as amended by Chapter 160 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to amend Article 5066, Title 104, Chapter 2, Revised Civil Statutes, relating to the rendition, listing and assessment of property for taxation,' approved June 2, 1899, and Chapter 3 Title 104, Articles 5103, 5104 and 5120 of the Revised Civil Statutes of the State of Texas, and providing for the listing of property for taxation and the time and manner in which property shall be listed for taxation, and the time when the commissioners court of the several counties of this State shall convene and sit as a board of equalization, and prescribing the duties of such boards of equalization."

Received from House	308
Read first time, and referred to Committee on Finance.....	309
Reported favorably and be not printed	325
Constitutional rule suspended and placed on second reading; Senate committee rule suspended; read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed	312
Signed	324

House bill No. 103, A bill to be entitled "An Act to amend Chapter 98 of the General Laws of the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' approved April 15, 1907, as amended by Chapter 13 of the General Laws of the First Called Session of the Thirtieth Legislature, entitled 'An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled "An Act to provide for a board to calculate the ad valorem rate for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State," pro-

viding that said board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners courts of the several counties in this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general purposes to the taxable values as shown on the assessment rolls,' approved May 16, 1907, and requiring county tax collectors to make statements to the Comptroller of Public Accounts, showing the total amount of property in their county subject to taxation, and prescribing the time for making such statement."

Received from House.....	308
Read first time, and referred to Committee on Finance.....	309
Reported favorably and be not printed	325
Constitutional rule suspended (which placed bill on second reading); Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed	312
Signed	324

House bill No. 115, A bill to be entitled "Act to provide for the maintenance of an agricultural experimental station for the experimental culture of tobacco to be located in the Seventeenth Representative District, and making necessary appropriation therefor, and declaring an emergency."

Received from House.....	296
Read first time, and referred to Committee on Agricultural Affairs...	296
Reported favorably and be not printed	326
Constitutional rule suspended (which placed bill on second reading); Senate rule suspended; read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed...	306-307
Signed	323

House bill No. 116, A bill to be entitled "An Act creating the Nocona School District in Montague county, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

Received from House.....	172
Read first time, and referred to Committee on Educational Affairs....	172
Reported favorably and be not printed	185
Read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed..	201
Signed	246

House bill No. 117, A bill to be entitled "An Act incorporating the Bowie Independent School District in Montague county, Texas, for free school purposes only; defining its boundaries; providing for a board of trustees; providing for a treasurer for the funds of said district, and providing for an assessor and collector of the taxes of said district; divesting the city of Bowie of the control of its public schools, and the title to school property; investing the same in said Bowie Independent School District, and its board of trustees, and prescribing the rights, powers, privileges and duties of said Bowie Independent School District, and its board of trustees and officers, and declaring an emergency."

Received from House.....	172
Read first time, and referred to Committee on Educational Affairs....	173
Reported favorably and be not printed (See Errata).....	185
Read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed..	202
Signed	246

House bill No. 118, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county."

Received from House.....	172
Read first time, and referred to Committee on Roads, Bridges and Ferries	173
Reported favorably and be not printed	184
Read second time; committee report adopted; amended; passed to third reading; constitutional rule suspended; read third time, and passed	202
House reports concurrence in Senate amendments	217
Signed	247

House bill No. 120, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas in refer-

ence to fees of office to be charged and collected by certain State officers," as amended by Chapter 91 of the General Laws of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, relating to the fees charged by the Secretary of State for charters and permits so as to fix and prescribe the fees of foreign loan companies, and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Received from House.....	171
Read first time, and referred to Committee on Judiciary No. 1.....	172
Reported favorably and be not printed	185
Constitutional rule suspended (which placed bill on second reading); Senate committee rule suspended; read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed	176
Signed	183

House bill No. 121, A bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellow crown-gall, black knot, or any tree, shrub or plant infested with or by the San Jose scale, white fly or other dangerous, injurious or destructive pests or diseases and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture or his agents or employes to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected or infested trees treated; and providing the manner of such treatment," etc.

Received from House.....	211
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Reported favorably and be not printed	273
Read second time; committee report adopted; passed to a third reading; constitutional rule suspended	

ed; read third time, and passed.. 289

Signed 322

House bill No. 122, A bill to be entitled "An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for a board of trustees and other officers of such district; to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authorities of said board of trustees, and declaring an emergency."

Received from House..... 197

Read first time, and referred to Committee on Educational Affairs.... 197

Reported favorably and be not printed

Senate committee rule suspended; read second time; committee report adopted; *passed to a third reading; constitutional rule suspended; read third time, and passed

Signed

House bill No. 123, A bill to be entitled "An Act amending Section 37 of an act passed by the Regular Session of the Thirty-first Legislature, approved March 22, 1909, so as to provide that no company shall transact the business of life insurance in this State whose charter authorizes it to do a fire, marine, lightning, tornado or inland insurance business; and that no company shall take fire, marine or inland risks which is authorized to do a life or health insurance business in this State, and declaring an emergency."

Received from House..... 197

Read first time, and referred to Committee on Insurance, Statistics and History

Reported favorably and be not printed

Senate committee rule suspended; read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed

Signed

House bill No. 126, A bill to be entitled "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to

create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll taxpayers on the public roads of said counties; and to provide adequate penalties for the violation of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Sections 1, 2, 33, 53 and 54 of the Acts of the Twenty-third Legislature entitled "An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby, Smith and Rusk and auxiliary thereto," etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year, and declaring an emergency."

Received from House..... 197

Read first time, and referred to Committee on Roads, Bridges and Ferries

Reported favorably and be not printed

Read second time; committee report adopted; passed to a third reading; constitutional rule suspended; read third time, and passed.. 212

Signed

House Concurrent Resolution No. 2, Relating to the acceptance of the Adams Fund from the United States Government.

Received from House..... 152

Read first time, and referred to Committee on Educational Affairs.... 173

Reported favorably and be not printed

Read; committee report adopted; resolution adopted..... 177

Signed

House Concurrent Resolution No. 3, Relative to Southern representation in the diplomatic service.

Received from House..... 120

Read first time, and referred to Committee on Federal Relations..... 120

Reported favorably and be not printed

Read; committee report adopted; resolution adopted..... 210

Signed

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SENATE JOURNAL.

THIRTY-FIRST LEGISLATURE—SECOND CALLED SESSION.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Monday, April 12, 1909.

In obedience to the proclamation of His Excellency, T. M. Campbell, Governor of the State of Texas, convening the Thirty-first Legislature in Special Session this, the 12th day of April, 1909, the Senate met at 10 o'clock a. m. and was called to order by Lieutenant Governor A. B. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

W. N. Adams of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

D. M. Alexander of Parker county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

Charles L. Brachfield of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

R. E. Cofer of Cooke county, representing District No. 4, composed of the counties of Grayson and Cooke.

W. J. Greer of Van Zandt county, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

A. J. Harper of Limestone county, representing District No. 12, composed of the counties of Limestone, Freestone, Robertson and Brazos.

J. P. Hayter of Wise county, representing District No. 31, composed of the counties of Denton, Wise and Montague.

C. B. Hudspeth of El Paso county, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick, Mason, Crockett, Reagan and Terrell.

F. Charles Hume, Jr., of Harris county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

E. I. Kellie of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

Thomas W. Masterson of Galveston county, representing District No. 17, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

McDonald Meachum of Grimes county, representing District No. 15, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

W. O. Murray of Wilson county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

D. A. Paulus of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

John L. Peeler of Travis county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

Tom W. Perkins of Collin county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

Julius Real of Kerr county, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

C. C. Stokes of Houston county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

J. M. Terrell of Bowie county, representing District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

H. B. Terrell of McLennan county, representing District No. 11, composed of the counties of McLennan, Falls and Milam.

H. Bascom Thomas of Hopkins coun-

ty, representing District No. 2, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

J. W. Veale of Potter county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

Pierce B. Ward of Johnson county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

Q. U. Watson of Lee county, representing District No. 19, composed of the counties of Washington, Burleson, Lee and Bastrop.

F. C. Weinert of Guadalupe county, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

John G. Willacy of Nueces county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit and La Salle.

Absent.

W. J. Bryan of Taylor county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

W. R. Holsey of Navarro county, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

E. B. Mayfield of Bosque county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

E. G. Senter of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

B. B. Sturgeon of Lamar county, representing District No. 3, composed of the counties of Fannin and Lamar.

Prayer by the Chaplain of the Regular and First Called Sessions, Rev. H. M. Sears.

TEMPORARY ORGANIZATION.

The Chair announced the appointment of the following temporary officers:

Secretary, Clyde D. Smith; Journal Clerk, R. M. Gilmore; Sergeant-at-Arms, M. F. Hornbuckle; Calendar Clerk, W. E. DeLamar; Doorkeeper, Ben S. Rogers.

PERMANENT ORGANIZATION.

The Chair announced that the Senate would proceed to permanent organization by the election of officers, whereupon

Senator Hudspeth placed in nomination for President Pro Tem. of the ensuing term of the Senate, Senate W. O. Murray of Wilson county.

The nomination was seconded by Senators Weinert, Perkins and Cofer.

There being no other nominations, the Chair declared nominations closed.

Senators Cofer, Perkins and Meachum were appointed as tellers to count all ballots.

Senator Murray received 23 votes, all the votes cast, and was declared duly and constitutionally elected.

Senators Hudspeth, Stokes and Hume were requested to escort Senator Murray to the President's stand.

The Chair, Lieutenant Governor Davidson, administered the constitutional oath of office to the newly elected President Pro Tem.

The Chair then introduced Senator Murray to the Senate, who thanked the Senate for the honor conferred on him and the confidence so shown.

Senator Brachfield made all nominations for officers of the Senate, except that of President Pro Tem., as follows:

Nominations for Secretary being in order, Clyde D. Smith of Wichita county was nominated.

There were no other nominations.

Mr. Smith received 24 votes, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Journal Clerk being in order, R. M. Gilmore of Van Zandt county was nominated.

There were no other nominations.

Mr. Gilmore received 24 votes, all the votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Sergeant-at-Arms, M. F. Hornbuckle of Bosque county was nominated.

There were no other nominations.

Mr. Hornbuckle received 21 votes, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Calendar Clerk being in order, W. E. DeLamar of Rusk county was nominated.

There were no other nominations.

Mr. DeLamar received 24 votes, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Secretary being in order, J. R. Waties of Harris county was nominated.

There were no other nominations.

Mr. Waties received 25 votes, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Journal Clerk being in order, J. R. Johnson of Red River county was nominated.

There were no other nominations.

Mr. Johnson received 25 votes, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Sergeant-at-Arms being in order, D. F. Hughes of Limestone county was nominated.

There were no other nominations.

Mr. Hughes received 25 votes, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Doorkeeper, Ben S. Rogers of Washington county was nominated.

There were no other nominations.

Mr. Rogers received 23 votes, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Assistant Doorkeeper, E. L. Dreeben of Howard county was nominated.

There were no other nominations.

Mr. Dreeben received 25 votes, all votes cast, and was declared duly and constitutionally elected.

Nominations for Enrolling Clerk being in order, M. P. Kelly of Denton county was nominated.

There were no other nominations.

Mr. Kelly received 23 votes, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Engraving Clerk, F. P. Smith of Cooke county was nominated.

There were no other nominations.

Mr. Smith received 23 votes, all votes cast, and was declared duly and constitutionally elected.

Nominations for Chaplain being in order, Rev. H. M. Sears was nominated.

There were no other nominations.

Rev. Sears received 23 votes, all votes cast, and was declared duly and constitutionally elected.

SIMPLE RESOLUTION.

By Senator Brachfield:

Resolved, That the officers and employes of the Senate receive as compensation the sum of \$5.00 per day, except pages and porters, who shall receive \$2.00 per day.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Murray:

Be it resolved by the Senate, That the President of the Senate appoint a committee of three Senators, and that it shall be the duty of such committee when so appointed to make recommendations to the Senate of the employes necessary to be employed during the Second Called Session of the Thirty-first Legislature.

Senator Terrell of McLennan offered the following substitute for the resolution:

Resolved, That all the appointive and elective employes of the First Called Session of the Thirty-first Senate be and are hereby retained as employes of the Second Called Session.

Terrell of McLennan, Hudspeth, Watson, Ward, Perkins, Real, Willacy, Alexander, Kellie, Paulus, Hume, Adams, Senter, Harper, Greer, Hayter, Mayfield, Masterson, Bryan, Meachum, Cofer, Peeler.

Senator Alexander moved the previous question on the substitute, which motion being duly seconded, was so ordered.

The substitute resolution was adopted by the following vote:

Yeas—18.

Adams.	Meachum.
Alexander.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Real.
Hudspeth.	Terrell of McLennan
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Nays—6.

Brachfield.	Terrell of Bowie.
Murray.	Thomas.
Stokes.	Weinert.

Absent.

Bryan.	Senter.
Harper.	Sturgeon.
Holsey.	Veale.
Mayfield.	

Senator Stokes offered the following amendment to the substitute:

Amend the resolution by adding thereto the name of Miss Ola Hillyer as assistant enrolling and comparing clerk.

The amendment was adopted by the following vote:

Yeas—17.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Real.
Hudspeth.	Stokes.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Willacy.
Paulus.	

Nays—7.

Brachfield.	Terrell of Bowie.
Greer.	Thomas.
Hayter.	Weinert.
Murray.	

Absent.

Bryan.	Senter.
Harper.	Sturgeon.
Holsey.	Veale.
Mayfield.	

The resolution as amended was then adopted by the following vote:

Yeas—18.

Adams.	Meachum.
Alexander.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Real.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Nays—6.

Brachfield.	Terrell of Bowie.
Murray.	Thomas.
Stokes.	Weinert.

Absent.

Bryan.	Senter.
Harper.	Sturgeon.
Holsey.	Veale.
Mayfield.	

SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That the rules of the Reg-

ular Session of the Thirty-first Legislature be adopted for the government of this Special Session.

The resolution was read and adopted.

COMMITTEE ASSIGNMENTS.

The Chair assigned Senator Thomas to the following committees: Judiciary No. 1; Constitutional Amendments; Public Debt, Claims and Accounts; Counties and County Boundaries; Federal Relations; Treasurer's and Comptroller's Department, and Chairman of Committee on Privileges and Elections.

OATH OF OFFICE TO OFFICERS.

The Chair, Lieutenant Governor Davidson, here administered the constitutional oath of office to all the elective officers, except the President Pro Tem, who was formerly sworn in.

NOTIFICATION COMMITTEES.

Senator Terrell of Bowie moved that the Chair appoint a committee of three Senators to notify the House of Representatives that the Senate was organized and ready for business, and Senator Cofer made a like motion for a committee to notify the Governor. Both motions were adopted, and the Chair made the following appointments:

To notify the House: Senators Terrell of Bowie, Terrell of McLennan and Masterson.

To notify the Governor: Senators Cofer, Weinert and Adams.

Pending a short delay, both committees made their reports and were discharged, and the Senate proceeded to business.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS.

Executive Office,
State of Texas.

I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a Special Session of the Thirty-first Legislature to convene in the city of Austin, Texas, beginning at 10 o'clock a. m., Monday, April 12, 1909, for the following purposes, to-wit:

1. To make appropriations for the support of the State Government and

State institutions for the two years beginning September 1st, 1909, and for other purposes usually covered by appropriation bills, and to observe proper economy in making such appropriations.

2. To make appropriations for the payment of deficiencies.

3. To enact laws providing for the prompt establishment of an effective system for the guaranty for the deposits of the State banks of Texas, and to provide for all necessary supervision, examination and control of all banking corporations and banks doing business in this State, except national banks.

4. To consider and act upon such other matters as may hereafter be presented, pursuant to Section 40, Article 3, of the Constitution of the State of Texas.

In testimony whereof, I have hereto set my hand and caused the seal of the State of Texas to be affixed at Austin, Texas, this, the 11th day of April, A. D. 1909.

T. M. CAMPBELL,
Governor of Texas.

By the Governor:
W. B. TOWNSEND,
Secretary of State.

EXCUSED.

On account of business:

Senator Sturgeon, for all of this week, on motion of Senator Peeler.

BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor."

Read first time, and referred to the Finance Committee.

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor."

Read first time, and referred to the Finance Committee.

By Senator Willacy:

Senate bill No. 3, A bill to be entitled "An Act making appropriation for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes."

Read first time, and referred to the Finance Committee.

By Senator Alexander:

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

Read first time, and referred to the Committee on Insurance, Statistics and History.

STANDING COMMITTEE REPORTS.

By unanimous consent, Senator Willacy presented committee reports on Senate bills Nos. 1 and 2. (See Appendix for same.)

SENATE BILL NO. 1.

Senator Willacy called up Senate bill No. 1 and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Cofer.
Harper.
Hayter.
Hudspeth.
Hume.
Kellie.

Masterson.
Meachum.
Murray.
Paulus.
Peeler.
Perkins.
Real.
Terrell of Bowie.
Terrell of McLennan.

Thomas.
Veale.
Watson.

Weinert.
Willacy.

Absent.

Bryan.
Greer.
Holsey.
Mayfield.

Senter.
Stokes.
Ward.

Absent—Excused.

Sturgeon.

(President Pro Tem. Murray in the chair.)

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Cofer.
Harper.
Hayter.
Hudspeth.
Hume.
Kellie.
Masterson.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Real.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Veale.
Watson.
Weinert.
Willacy.

Absent.

Bryan.
Greer.
Holsey.
Mayfield.

Senter.
Stokes.
Ward.

Absent—Excused.

Sturgeon.

The Chair laid before the Senate, on second reading

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employes of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor."

On motion of Senator Willacy, the committee report, which provided that the bill be not printed, was adopted.

Senator Terrell of McLennan made the point of order on the bill, that the Senate could not pay the mileage of any member by this bill, contending

that that appropriation would have to be made by special bill; that the member entitled to mileage was sworn in during the First Called Session, etc.

The Chair overruled the point of order.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Hudspeth.
Hume.
Kellie.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Real.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Veale.
Watson.
Weinert.
Willacy.

Absent.

Bryan.
Holsey.
Masterson.

Mayfield.
Senter.
Ward.

Absent—Excused.

Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Hudspeth.
Hume.
Kellie.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Real.
Stokes.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Veale.
Watson.
Weinert.
Willacy.

Absent.

Bryan.
Holsey.
Masterson.

Mayfield.
Senter.
Ward.

Absent—Excused.

Sturgeon.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 2.

Senator Willacy called up Senate bill No. 2, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Mayfield.
Holsey.	Senter.
Masterson.	Ward.

Absent—Excused.

Sturgeon.

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Mayfield.
Holsey.	Senter.
Masterson.	Ward.

Absent—Excused.

Sturgeon.

The Chair laid before the Senate, on second reading

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Mayfield.
Holsey.	Senter.
Masterson.	Ward.

Absent—Excused.

Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Mayfield.
Holsey.	Senter.
Masterson.	Ward.

Absent—Excused.

Sturgeon.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Resolved by the Senate, That the Lieutenant Governor and each Senator be allowed to subscribe for five daily newspapers, to be paid for at the rate of 75 cents per month for those papers that come to the Senate through the Senate Postoffice, and 90 cents per month for those delivered from the train or by hand.

TERRELL of Bowie,
PEELER,
HUDSPETH,
WATSON.

Senator Terrell of Bowie moved the previous question on the resolution, which motion being duly seconded, was so ordered by the following vote:

Yeas—15.

Adams.	Real.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of
Murray.	McLennan.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.

Nays—9.

Alexander.	Hayter.
Brachfield.	Meachum.
Cofer.	Thomas.
Greer.	Veale.
Harper.	

Absent.

Bryan.	Mayfield.
Holsey.	Senter.
Masterson.	Ward.

Absent—Excused.

Sturgeon.

The resolution was then adopted.

ADJOURNMENT.

Senator Kellie moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Senator Hume moved that the Senate adjourn until Thursday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until Thursday was adopted.

APPENDIX.**COMMITTEE REPORTS.**

(Floor Report.)

Austin, Texas, April 12, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass and be not printed.

Willacy, Chairman; Meachum, Terrell of Bowie, Harper, Paulus, Brachfield, Weinert, Peeler, Murray.

(Floor Report.)

Austin, Texas, April 12, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem pay and mileage of members and per diem pay of officers and employes of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

Have had the same under consideration, and we report same back to the Senate, with the recommendation that it do pass and be not printed.

Willacy, Chairman; Meachum, Terrell of Bowie, Harper, Paulus, Brachfield, Weinert, Peeler, Murray.

Committee Room,
Austin, Texas, April 12, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

Committee Room,
Austin, Texas, April 12, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor,"

And find the same correctly engrossed.

HAYTER, Acting Chairman.

PETITIONS AND MEMORIALS.

By Senator Perkins:

Telegram.

McKinney, Texas, April 12, 1909.

Hon. Tom W. Perkins, Senator, Austin, Texas:

Congratulations upon your bold stand for the freedom of the people against the office-hunting politicians.

Signed—Sims, Fant, Kirkpatrick, Graham, Anderson, White, Goodner, Warden, White, Newsome, Crouch, Heard, Lovejoy, Smith, Burrus.

SECOND DAY.

Senate Chamber,
Austin, Texas,
Thursday, April 15, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, no quorum pres-

ent, the following answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.

Absent.

Bryan.	Senter.
Harper.	Sturgeon.
Hume.	Terrell of McLennan.
Mayfield.	Weinert.
Perkins.	Willacy.
Real.	

There being no quorum present, Senator Hudspeth moved that the Senate stand at ease for fifteen minutes, and

Senator Cofer moved that the Senate recess until 11:15 o'clock today.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until tomorrow morning at 10 o'clock was lost by the following vote:

Yeas—4.

Adams.	Kellie.
Hudspeth.	Watson.

Nays—16.

Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Masterson.	Veale.
Meachum.	Ward.

Absent.

Bryan.	Senter.
Harper.	Sturgeon.
Hume.	Terrell of McLennan.
Mayfield.	Weinert.
Perkins.	Willacy.
Real.	

The motion to recess until 11:15 o'clock was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

There being no quorum present when the Senate recessed, the roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Real.
Harper.	Senter.
Hume.	Sturgeon.
Mayfield.	Terrell of McLennan.
Perkins.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Perkins for all this week, on motion of Senator Hudspeth.

Senator Harper for all this week, on motion of Senator Brachfield.

Senator Real for all this week, on motion of Senator Masterson.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor," with amendments.

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Second Called Session of the Thirty-first Legislature of the State of Texas, con-

vened April 12, 1909, by proclamation of the Governor."

Also House Concurrent Resolution No. 1, relating to the use of Roman numerals.

Also House Concurrent Resolution No. 2, relating to the printing of the laws passed by the Thirty-first Legislature.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

RESOLUTIONS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following resolutions:

House Concurrent Resolution No. 1, referred to Committee on Rules.

House Concurrent Resolution No. 2, referred to Committee on Public Printing.

SENATE BILL NO. 1—HOUSE AMENDMENTS CONCURRED IN.

Senator Weinert called up

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

And moved that the Senate concur in the following House amendment:

Amend Section 1 by striking out "thirty-three thousand dollars," and insert in lieu "thirty-seven thousand dollars."

The motion to concur prevailed by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	

Absent.

Bryan.	Mayfield.
Hume.	Real.

Senter. Terrell of McLennan.
Sturgeon. Willacy.

Absent—Excused.

Harper. Perkins.

RECESS.

On motion of Senator Veale, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

EXECUTIVE MESSAGE.

The following message from the Governor was received and read:

Executive Office,
State of Texas.

Austin, Texas, April 15, 1909.

To the Senate and House of Representatives:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects:

1. Effective legislation for the reimbursement of the permanent county school fund of counties in which the same has been impaired or wasted, and for the complete rehabilitation, protection and preservation of such county permanent school fund.

2. Legislation creating the Irving Independent School District in Dallas county; the Stamford Independent School District in Jones county; the Myra Independent School District in Cooke county; amendments of the law creating the Amarillo Independent School District in Potter county; amendments of the act creating the Quanah Independent School District in Hardeman county; legislation creating an Independent School District to be known as the Corpus Christi Independent School District in Nueces county. The laws affecting independent school districts here suggested to define the boundaries, and to provide for the election of boards of trustees to manage and control the public free schools in said districts; investing the said districts

and the trustees with appropriate and necessary rights, powers, privileges and duties.

3. Appropriate legislation incorporating or permitting the city of Amarillo to incorporate under a special charter.

4. Legislation transferring the balances now to the credit of the pure food fund, quarantine fee fund and the Tyler city subsidy bond act, into the general revenues of the State.

5. Legislation amending Subdivision 6, Section 8, Article 2, Chapter 71 of the local and special laws of Texas, enacted by the Regular Session of the Thirtieth Legislature, entitled an act to grant a new charter to the city of Dallas, Dallas county, Texas, so as to provide that in the event any street railway in said city of Dallas, Dallas county, Texas, shall hereafter build new lines or street railways or extend its lines or railways therein, said subdivision shall not be construed to require the payment of the gross receipt tax upon receipts arising from the operation of that part of its mileage which was constructed and in operation before the passage of said act of the Thirtieth Legislature of the State of Texas.

6. Legislation amending Section 61 of an act passed by the Twenty-ninth Legislature of the State of Texas, entitled an act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs, the same being Chapter 47 of the Special Laws of Texas of 1905; said amendment to relate to the powers and duties of the city council of said city with respect to streets and alleys.

7. An appropriate law creating a commission, to be known as the Tuberculosis Commission, for the purpose of investigating the facts and conditions pertaining to the origin, introduction, spread, treatment, prevention, extent and control of pulmonary tuberculosis in the State of Texas; prescribing the powers and duties of said commission; providing for their compensation, all with a view of gathering information and the formulation of an effective and practicable plan for dealing with this important subject by the next or succeeding Legislatures.

8. To enact laws upon the subject of constructing, maintaining and operating of electric interurban and urban railways; giving such railways the power of eminent domain and providing for the regulation thereof.

9. Legislation requiring railroad companies to provide appropriate and suitable passenger and freight depot buildings at their several stations and requiring them to keep passenger depots lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with such laws as may be enacted.

10. Legislation amending Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates.

11. Legislation providing for the completion and extension by the Board of Penitentiary Commissioners of the railroad now owned by the State of Texas extending from the Rusk penitentiary; for its maintenance, equipment and operation; providing for condemnation of right-of-way or material therefor, and for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners and for the use of a portion of said bonds necessary to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; and to provide a lien upon said State Railroad and its extensions and equipment and for the method of redemption of said bonds; and to provide for authority of said board to accept gifts or donations, to aid in the construction and extension of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; and providing for the extension of said railroad to a connection with other lines and for the issuance of bonds upon such road and all extensions that may be made from any point on said road.

12. Amending the city charter of the city of Texarkana.

13. Legislation that may be needed changing and readjusting the terms of the district courts of the State to facilitate the trial of cases and a more expeditious enforcement of the law.

14. Legislation for the enforcement of the game laws of the State for the protection of game and providing licenses and suitable fees therefor. A law upon this subject was enacted at the Regular Session which was vetoed on account of errors, defects and inaccuracies vitiating the same.

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Willacy:

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905; August 31, 1906; August 31, 1907; August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909; August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Cofer:

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Willacy:

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Ward:

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to

vacate and close streets and alleys and to cede the same or any part thereof, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Willacy:

Senate bill No. 9, A bill to be entitled "An Act creating an independent school district, to be known as the Corpus Christi Independent School District, including within its limits the municipal corporation of the city of Corpus Christi, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Veale:

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District, to provide for the election of trustees, the issuance of bonds, the repeal of the original independent school district for Amarillo, and creating an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Veale:

Senate bill No. 11, A bill to be entitled "An Act to grant a charter to the city of Amarillo, Potter county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Hudspeth:

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for nonresident hunters; providing that funds, received from the sale of hunting licenses and fines

received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller."

Read first time, and referred to Judiciary Committee No. 2.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 1, "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor."

Senate bill No. 2, "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor."

ADJOURNMENT.

On motion of Senator Peeler, the Senate, at 3:35 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets and alleys and to cede the same, or any part thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Cofer, Acting Chairman; Alexander, Masterson, Holsey, Peeler, Willacy.

(Floor Report.)

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra, in the county of Cooke, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Willacy, Veale, Brachfield, Weinert, Meachum.

Committee Room,

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 1, "An Act making appropriation to pay the per diem pay and mileage of members and per diem pay of officers and employees of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor,"

And find it correctly enrolled, and have this day, at 2:45 o'clock p. m., presented same to the Governor for his approval.

MASTERTON, Acting Chairman.

Committee Room,

Austin, Texas, April 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 2, "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor,"

And find it correctly enrolled, and have this day, at 2:45 o'clock p. m., presented same to the Governor for his approval.

MASTERTON, Acting Chairman.

PETITIONS AND MEMORIALS.

The Chair had the following read to the Senate:

Waxahachie, Texas, April 13, 1909.

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, your petitioners, respectfully represent that we are citizens of Ellis county, and of political faith, Democrats, and are farmers and business men. As such citizens we wish to enter our protest against the passage of any bill which has for its object the guaranteeing of deposits, in banks, by forcing such banks into a co-partnership, against their will, with other banks for the sole purpose of forcing the solvent and well managed bank to pay the losses of the ill managed and insolvent banks. Such a law would be manifestly unjust, socialistic, and out of harmony with what we regard as true democracy. Such a measure, if passed, would result in a great injury to our entire peoples.

Trusting that political passion and prejudice may be abandoned, and that reason may reign in the consideration of this vital question, we subscribe ourselves,

Numerously signed.

By Senator Paulus:

Shiner, Texas, April 14, 1909.

Hon. D. A. Paulus, Austin, Texas.

Dear Sir: This community is watching with unusual interest the proceed-

ings of the Thirty-first, and is in favor of fewer and better laws. We do not believe that a lawmaking body is for the purpose of promoting the interests of a few politicians who are playing before the galleries under the pretense of carrying out platform demands, declared to be such by politicians. We are unreservedly in sympathy with the brave and manly stand the majority of the Senate has taken against coercion and rebuke, believing that they have been subservient to the best interests of the people, and forming a wholesome bar against vicious and spurious legislation. Very respectfully yours,

CHAS. WILHAUSEN.

And many others.

N. B.—Charles Wilhausen was a pioneer settler of Austin county, Texas, and served four years as a brave Confederate soldier, rising to rank of captain.

By Senator Kellie:

Eagle Pass, Texas, April 5, 1909.

To the Honorable Adjutant General, Austin, Texas.

Dear Sir: From current reports it would seem that the Legislature has under consideration the advisability of increasing the appropriation for the maintenance of the State Rangers, which is very much desired, especially by the people who have interests on this frontier.

I have devoted more than a quarter of a century to the government service on this Mexican border; have co-operated with all branches of the government service, and when I say that no set of officers have done so much in the civilization of this country than the State Rangers, I am making a statement that will be borne out by facts and by the testimony of all men who are familiar with conditions throughout South and West Texas, and I sincerely hope that the Legislature may see conditions as they are and afford the protection that is so much needed along this border by an appropriation of a sufficient amount to increase the number of the Rangers in the State and to give them better pay.

I have about 650 miles of the unsettled portion of Texas, extending from the El Paso county line almost to Laredo, which is patrolled by customs-mounted inspectors. These officers are paid \$3.00 per diem and allowed \$1.00 per diem additional for horse feed, and knowing, as I do, the kind of work that is required of State Rangers and the

good accomplished by them, I cannot too strongly endorse their efforts.

The Rangers in Mexico are a terror to evildoers and the lawless Mexican element along the American side of the Rio Grande have more respect for the State Rangers than any other class of officials, and the moral effect of their presence is of more benefit than nine-tenths of the Legislature have any idea. It is only people who have gone through the mill, as I have for twenty-five years in this section, that can fully appreciate their work. Yours very truly,

R. W. DOWE,
Collector of Customs.

By Senator Holsey:

Fort Worth, Texas.

Be it resolved by the board of commissioners of the city of Fort Worth, That the arduous, loyal and unselfish service of the local military companies of the city of Fort Worth in preserving peace and good order and in protecting life and property in the city of Fort Worth during the progress of the great fire and at its conclusion, elicits the admiration and praise of all people; and therefore be it further

Resolved, That the grateful thanks and appreciation of said city be extended to said militia and to General Luther R. Hare who came to Fort Worth to be present in person and aid the militia, and to Major C. O. Elliott for service performed on the same occasion.

Commissioner Mulkey moved the adoption of the resolution; the motion was carried, and the resolution was unanimously adopted.

I, W. J. Estes, city secretary of the city of Fort Worth, do hereby certify that the above and foregoing is a true and correct copy of a resolution which was duly presented and unanimously passed by the board of commissioners of the city of Fort Worth at a session held Tuesday, April 6, 1909.

Witness my hand and seal of the city of Fort Worth, this, the 8th day of April, 1909.

W. J. ESTES,
City Secretary.

THIRD DAY.

Senate Chamber,
Austin, Texas.

Friday, April 16, 1909.

Senate met pursuant to adjournment, President Pro Tem. Murray presiding. The roll was called, a quorum being

present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Senter.
Hudspeth.	Veale.
Mayfield.	

Absent—Excused.

Harper.	Real.
Perkins.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Veale for today and tomorrow, on motion of Senator Alexander.

Senator Terrell of McLennan for yesterday, on motion of Senator Ward.

Senator Hudspeth for today and tomorrow, on motion of Senator Adams.

Senator Holsey for Monday, on motion of Senator Ward.

Senator Hume for yesterday, on motion of Senator Kellie.

BILLS AND RESOLUTIONS.

By Senator Terrell of McLennan:

Senate bill No. 13, A bill to be entitled "An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act. and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

Morning call concluded.

SENATE BILL NO. 6.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Brachfield.	Mayfield.
Bryan.	Senter.

Absent—Excused.

Harper.	Real.
Hudspeth.	Veale.
Perkins.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Meachum.
Alexander.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.

Ward. Weinert.
Watson.

Absent.

Brachfield. Senter.
Bryan. Willacy.
Mayfield.

Absent—Excused.

Hayter. Real.
Hudspeth. Veale.
Perkins.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets and alleys and to cede the same or any part thereof, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Brachfield.	Senter.
Bryan.	Willacy.
Mayfield.	

Absent—Excused.

Harper.	Real.
Hudspeth.	Veale.
Perkins.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hume.	McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Brachfield.	Senter.
Bryan.	Willacy.
Mayfield.	

Absent—Excused.

Harper.	Real.
Hudspeth.	Veale.
Perkins.	

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Peeler, the Senate adjourned until 10 o'clock Monday morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies

offenses so defined, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above Message for captions of):

House bill No. 2, referred to Committee on Insurance, Statistics and History.

House bill No. 13, referred to Committee on Judicial Districts.

House bill No. 16, referred to Committee on Educational Affairs.

House bill No. 15, referred to Committee on Towns and City Corporations.

House bill No. 10, referred to Committee on Educational Affairs.

House Concurrent Resolution No. 3, referred to Committee on Contingent Expenses.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 15, 1909.

To the Senate and House of Representatives:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects:

1. Legislation providing the necessary funds by appropriation from the general revenues of the State to be used in the operation of the iron industry at the State Penitentiary at Rusk, Texas; and providing for the return of such funds to the general revenues of the State from the net revenues of the penitentiary system.

2. Such legislation as may be deemed necessary or proper for the examination, regulation, control and supervision of guaranty and surety companies doing business in this State, as will afford full protection for the State of Texas, the counties and citizens of this State accepting their contracts of suretyship.

3. Legislation creating the Lubbock Independent School District in Lubbock county; the Robert Lee Independent School District in Coke county, Texas;

the Bronte Independent School District in Coke county, Texas; and legislation amending the act creating the Garland Independent School District in Dallas county, Texas.

4. Legislation amending the laws respecting appeals of defendants under conviction for felonies and the condition of such appeal bonds; and amending the procedure in civil cases in reference to the pleadings, instructions to the juries and appeals; and amending the Penal Code and Code of Criminal Procedure in reference to trials, motion for new trials and appeals.

5. Legislation to regulate the granting by the State of charters to corporations and permits to corporations to do business in this State.

6. Legislation pertaining to the election, qualification, bond and duties of the State Treasurer, Comptroller of Public Accounts, Commissioner of the General Land Office, and the employees of said departments, and providing an adequate system of accounting, bookkeeping and auditing of the accounts of the respective departments, and for such general revision of the laws relating to said departments of the State Government as the Legislature may deem necessary; and legislation amending the laws relating to the duties of the county tax assessors and collectors and the county clerks, Comptroller of Public Accounts and State Treasurer, with respect to the revenue laws and providing for a complete system of accounting, bookkeeping and auditing of such accounts; and providing for a system of apportioning, distributing and accounting of the available school funds of the State, county and city school districts; providing procedure and prescribing the duties of the Superintendent of Public Instruction, Comptroller of Public Accounts and treasurers of school funds; and to enact such laws or repeal such existing laws as may be necessary to put into effect a complete system of accounting, auditing and bookkeeping of the departments of the Comptroller, General Land Office, State Treasurer and tax collectors as contemplated and authorized under and by virtue of the laws relating to such subjects passed by the First Called Session or the Thirtieth Legislature.

7. Legislation amending Subdivision 61, Article 642 of the Revised Civil Statutes, authorizing the formation of corporations for the construction and operation of interurban, electric, gas and gasoline, denatured alcohol and

powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Also House Concurrent Resolution No. 3, providing for transferring a portion of the contingent fund, with engrossed rider.

House bill No. 2, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law; providing additional safeguards for the protection of the depositors and other creditors of such institutions; providing that all institutions shall be mutually liable pro rata within certain limitations for the payment of the liabilities of each such institution to its guaranteed depositors, and defining the guaranteed deposits and the guaranteed depositors of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State bank guaranty fund, and for its maintenance and use in the payment of guaranteed depositors of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board to close and take possession of the property and business of such institutions, and providing for their liquidation, and for the payment of their liabilities to their guaranteed depositors out of the State bank guaranty fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensa-

tion; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract or wilfully misapply its money, funds or securities, or to issue evidences of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet, any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; providing that National banking associations shall avail themselves of certain provisions of this act, and providing that any bank or trust company created by virtue of a special act of the Legislature of Texas under certain conditions may avail itself of the provisions of this act; to prohibit any officer or employee from becoming indebted to or financially interested, other than as a depositor, in any State bank or State banking and trust company, and providing for penalties for violations; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such

offenses so defined, and declaring an emergency."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above Message for captions of):

House bill No. 2, referred to Committee on Insurance, Statistics and History.

House bill No. 13, referred to Committee on Judicial Districts.

House bill No. 16, referred to Committee on Educational Affairs.

House bill No. 15, referred to Committee on Towns and City Corporations.

House bill No. 10, referred to Committee on Educational Affairs.

House Concurrent Resolution No. 3, referred to Committee on Contingent Expenses.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 15, 1909.

To the Senate and House of Representatives:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects:

1. Legislation providing the necessary funds by appropriation from the general revenues of the State to be used in the operation of the iron industry at the State Penitentiary at Rusk, Texas; and providing for the return of such funds to the general revenues of the State from the net revenues of the penitentiary system.

2. Such legislation as may be deemed necessary or proper for the examination, regulation, control and supervision of guaranty and surety companies doing business in this State, as will afford full protection for the State of Texas, the counties and citizens of this State accepting their contracts of suretyship.

3. Legislation creating the Lubbock Independent School District in Lubbock county; the Robert Lee Independent School District in Coke county, Texas;

the Bronte Independent School District in Coke county, Texas; and legislation amending the act creating the Garland Independent School District in Dallas county, Texas.

4. Legislation amending the laws respecting appeals of defendants under conviction for felonies and the condition of such appeal bonds; and amending the procedure in civil cases in reference to the pleadings, instructions to the juries and appeals; and amending the Penal Code and Code of Criminal Procedure in reference to trials, motion for new trials and appeals.

5. Legislation to regulate the granting by the State of charters to corporations and permits to corporations to do business in this State.

6. Legislation pertaining to the election, qualification, bond and duties of the State Treasurer, Comptroller of Public Accounts, Commissioner of the General Land Office, and the employees of said departments, and providing an adequate system of accounting, bookkeeping and auditing of the accounts of the respective departments, and for such general revision of the laws relating to said departments of the State Government as the Legislature may deem necessary; and legislation amending the laws relating to the duties of the county tax assessors and collectors and the county clerks, Comptroller of Public Accounts and State Treasurer, with respect to the revenue laws and providing for a complete system of accounting, bookkeeping and auditing of such accounts; and providing for a system of apportioning, distributing and accounting of the available school funds of the State, county and city school districts; providing procedure and prescribing the duties of the Superintendent of Public Instruction, Comptroller of Public Accounts and treasurers of school funds; and to enact such laws or repeal such existing laws as may be necessary to put into effect a complete system of accounting, auditing and bookkeeping of the departments of the Comptroller, General Land Office, State Treasurer and tax collectors as contemplated and authorized under and by virtue of the laws relating to such subjects passed by the First Called Session or the Thirtieth Legislature.

7. Legislation amending Subdivision 61, Article 642 of the Revised Civil Statutes, authorizing the formation of corporations for the construction and operation of interurban, electric, gas and gasoline, denatured alcohol and

naphtha motor railways; giving such railways the power of eminent domain and providing for regulation thereof.

8. Legislation providing for refunding a portion of the public debt, and the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and those maturing on September 1, 1910; and providing for the execution of new bonds in lieu thereof, and such further legislation with respect to this subject as may be appropriate and necessary.

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

By Senator Holsey:

Senate bill No. 14, A bill to be entitled "An Act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation and the establishing of a State Banking Board and the creation of a guarantee fund under the supervision thereof."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Terrell of Bowie:

Senate bill No. 15, A bill to be entitled "An Act to amend the city charter of the city of Texarkana, Texas, and the acts amendatory of said city charter, and to amend an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class as a city of 10,000 and over of inhabitants to grant to the city a special charter to repeal all laws in conflict herewith, and declaring an emergency,' passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, by adding thereto Section 192a, requiring railroad companies owning or operating railroad tracks across Elm street, Oak street and Spruce street in said city to construct a viaduct on one of said streets, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Ward:

Senate bill No. 16, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business

whatever, except interstate business, or to establishing or maintaining within this State a general or special officer therefor, shall obtain from the Secretary of State and have a current permit to do business within this State, and making it a misdemeanor for any officer, agent, representative or employe of such corporation, in the name or on behalf of or for such corporation, to do any business whatever within this State, except interstate business, or to establish or maintain within this State any general or special office therefor, unless such corporation shall have first obtained and shall have from the Secretary of State a current permit to do business within this State; defining what foreign corporations may obtain such permit from the Secretary of State; prescribing the manner of obtaining such permit and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand, whether arising out of contract or tort, unless at the time such contract shall be made or tort shall be committed, such corporation shall have obtained such permit; providing penalties and punishments for violations of provisions of this act and for the enforcement of such penalties and punishments; providing procedure in such cases; providing that civil suits for the enforcement of any of the provisions of this act shall be brought by the Attorney General or by the district or county attorney of the county in which such suit may be brought under the direction of the Attorney General and fixing venue of such suits; prescribing rules of evidence relating to such permit, or certified copy thereof; repealing Chapter 17 of Title 21 of the Revised Statutes, and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fifth Legislature; making the provisions of this act cumulative of all existing laws, except such as are expressly repealed by this act; and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Alexander:

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the

Revised Civil Statutes of Texas of 1895, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 15, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senators Peeler and Watson:

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

(By unanimous consent after the morning call had been concluded.)

(Senator Brachfield in the chair.)

By Senators Sturgeon, Bryan and Veale:

Senate bill No. 19, A bill to be entitled "An Act relating to the election, qualification and duties of the Commissioner of the General Land Office and his employees; providing a complete system of accounting, bookkeeping and auditing such accounts; prescribing rules and methods for the collection of fees, and keeping land accounts and collecting principal and interest on lands sold; providing system of accounting with the State Treasurer and the Comptroller of Public Accounts; providing for a general revision of the laws relating to the General Land Office."

Read first time, and referred to Committee on State Affairs.

By Senators Sturgeon, Bryan and Veale:

Senate bill No. 20, A bill to be entitled

"An Act to amend Articles 3923, 3924, 3926a and 3926b, and to repeal Article 3924a, Chapter 8, Title 86 of the Revised Statutes of 1895; providing a system of apportioning, distributing and accounting of the available school fund of the State, county, city and school districts; providing procedure; prescribing duties of Superintendent of Public Instruction, Comptroller and treasurers of school funds.

Read first time, and referred to Committee on State Affairs.

By Senators Bryan, Veale and Sturgeon:

Senate bill No. 21, A bill to be entitled "An Act to constitute the Governor, the chairman of the Railroad Commission and Secretary of State a board of accounting to put in force a system of accounting for the departments of Comptroller, General Land Office and Treasury, in pursuance of the provisions of the laws passed by the First Called Session of the Thirty-first Legislature: making an appropriation to carry them into effect; and declaring an emergency."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Sturgeon and Bryan:

Senate bill No. 22, A bill to be entitled "An Act to repeal Articles 2830, 2833, 2837, 2840, 2841 and 2842 of Chapter 2 of Title 52; to repeal Article 2892 of Chapter 5 of Title 52; to repeal Articles 5127, 5130, 5132, 5134, 5135 and 5153 of Chapter 3, Title 104; to repeal Articles 5162 and 5172 of Chapter 4, Title 104, and to repeal Article 5217, Chapter 5, Title 104 of the Revised Statutes of 1895."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Sturgeon and Bryan:

Senate bill No. 23, A bill to be entitled "An Act providing for the election, qualifications, bond and duties of the State Treasurer, and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointments of a chief clerk, prescribing his duties; providing methods for the receiving and handling of all funds, warrants and other claims."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Bryan and Sturgeon:

Senate bill No. 24, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts, the duties of his employees; providing a complete system of accounting, bookkeeping and auditing of accounts of the department and of other departments and officers of the government; providing that the Comptroller shall prepare forms to be used exclusively in making reports and claims; providing a system for the collection and handling of revenue of all kinds; providing for appointment of chief clerk, and prescribing his duties; providing for filling vacancies."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Bryan and Sturgeon:

Senate bill No. 25, A bill to be entitled "An Act relating to and prescribing the duties of the county tax assessors and collectors, and the county clerks, Comptroller and State Treasurer, with reference to the assessment and collection of taxes; providing a complete system of accounting, bookkeeping and auditing of such accounts; prescribing rules and methods for keeping accounts, collecting and disbursing taxes of all kinds, including delinquent and insolvent taxes; providing for payment of compensation and reimbursing counties; providing for and establishing rules and methods for furnishing forms, checking accounts and making reports by the assessors, collectors, county clerks, Comptroller and treasurers."

Read first time, and referred to Committee on State Affairs.

SENATE BILL NO. 5.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909 and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for

outstanding claims not registered, and declaring an emergency."

(Senator Brachfield in the chair.)

Senator Willacy offered the following amendment, which was read and adopted:

Amend by adding Section 2 to the bill to read as follows:

"Section 2. The fact that no money is available to pay claims herein specified and that creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and said rule is accordingly hereby suspended, and this bill be placed upon its third reading and final passage, and it is so enacted."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Murray.	

Absent.

Greer.	Paulus.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Mayfield.	Veale.
Meachum.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Murray.	

Absent.

Greer.	Hudspeth.
Harper.	Mayfield.

Meachum. Terrell of McLennan.
Paulus. Veale.
Terrell of Bowie. Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 7.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Murray.	

Absent.

Harper.	Paulus.
Hudspeth.	Terrell of Bowie.
Mayfield.	Veale.
Meachum.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.

Ward. Weinert.
Watson. Willacy.

Absent.

Harper.	Paulus.
Hudspeth.	Terrell of Bowie.
Mayfield.	Veale.
Meachum.	

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 10.

Senator Terrell of Bowie called up Senate bill No. 10, and on his motion the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Peeler.	

Absent.

Greer.	Mayfield.
Harper.	Paulus.
Hudspeth.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District, to provide for the election of trustees, the issuance of bonds, the repeal of the original independent school district for Amarillo, and creating an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitution rule requiring bills to be read on three several days was suspended and the bill put on its

third reading and final passage by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hume.	McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	Willacy.

Absent.

Greer.	Mayfield.
Harper.	Paulus.
Hudspeth.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Peeler.	

Absent.

Greer.	Mayfield.
Harper.	Paulus.
Hudspeth.	Veale.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

The Senate was here at ease, and was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 17.

Senator Alexander called up Senate bill No. 17, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—1.

Watson.

Absent.

Harper.	Terrell of Bowie.
Hudspeth.	Veale.
Paulus.	Willacy.

On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—1.

Watson.

Absent.

Harper.	Terrell of Bowie.
Hudspeth.	Veale.
Paulus.	Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature;

Chapter 150, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol, or naphtha motor railways, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

(Senator Watson in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend bill by inserting after the word "Legislature," page 2, line 6 of the bill, the following words: "And all the powers of whatsoever kind or character conferred by said act."

ALEXANDER,
SENTER.

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Thomas.
Hudspeth.	Veale.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hume.	Senter.

Stokes.	Ward.
Sturgeon.	Watson.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

Absent.

Harper.	Thomas.
Hudspeth.	Veale.
Paulus.	

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTING.

I vote for this bill because in my judgment it tends to promote the development of the State, but I shall register a protest against the method of submission of this subject by the Governor which seeks to limit the prerogative of the Legislature to a particular method of legislation upon a subject named. The precedent is one that ought not to be established. When the Governor seeks to limit the action of the Legislature upon a particular subject to provisions designated by himself, as he has done in this case, he usurps the authority of the Legislature, and becomes by direct act, the entire source of legislation. In my judgment the public welfare will be best subserved by a return to the constitutional system which assigns to the Executive the duty of enforcing laws and to the Legislature the power of framing laws.

SENTER.

HOUSE BILL NO. 16.

Senator Bryan called up House bill No. 16, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hume.	Senter.

Stokes. Ward.
 Sturgeon. Watson.
 Terrell of Bowie. Weinert.
 Terrell of McLennan. Willacy.

Absent.

Harper. Thomas.
 Hudspeth. Veale.
 Paulus.

On motion of Senator Bryan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams. Murray.
 Alexander. Peeler.
 Brachfield. Perkins.
 Bryan. Real.
 Cofer. Senter.
 Greer. Stokes.
 Hayter. Sturgeon.
 Holsey. Terrell of Bowie.
 Hume. Ward.
 Kellie. Watson.
 Masterson. Weinert.
 Mayfield. Willacy.
 Meachum.

Absent.

Harper. Terrell of McLennan.
 Hudspeth. Thomas.
 Paulus. Veale.

The Chair laid before the Senate, on second reading, House bill No. 16 (Stamford Independent School District bill).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams. Masterson.
 Alexander. Mayfield.
 Brachfield. Meachum.
 Bryan. Murray.
 Cofer. Peeler.
 Greer. Perkins.
 Hayter. Real.
 Holsey. Senter.
 Hume. Sturgeon.
 Kellie. Terrell of Bowie.

Terrell of McLennan. Watson.
 Thomas. Weinert.
 Ward. Willacy.

Absent.

Harper. Stokes.
 Hudspeth. Veale.
 Paulus.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams. Murray.
 Alexander. Peeler.
 Brachfield. Perkins.
 Bryan. Real.
 Cofer. Senter.
 Greer. Sturgeon.
 Hayter. Terrell of Bowie.
 Holsey. Terrell of McLennan.
 Hume. Thomas.
 Kellie. Ward.
 Masterson. Watson.
 Mayfield. Weinert.
 Meachum. Willacy.

Absent.

Harper. Stokes.
 Hudspeth. Veale.
 Paulus.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Kellie, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to grant a charter to the city of Amarillo, Potter county, Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Chapter 150, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol, or naphtha motor railways, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

(Senator Watson in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend bill by inserting after the word "Legislature," page 2, line 6 of the bill, the following words: "And all the powers of whatsoever kind or character conferred by said act."

ALEXANDER,
SENTER.

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Thomas.
Hudspeth.	Veale.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hume.	Senter.

Stokes.	Ward.
Sturgeon.	Watson.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

Absent.

Harper.	Thomas.
Hudspeth.	Veale.
Paulus.	

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTING.

I vote for this bill because in my judgment it tends to promote the development of the State, but I shall register a protest against the method of submission of this subject by the Governor which seeks to limit the prerogative of the Legislature to a particular method of legislation upon a subject named. The precedent is one that ought not to be established. When the Governor seeks to limit the action of the Legislature upon a particular subject to provisions designated by himself, as he has done in this case, he usurps the authority of the Legislature, and becomes by direct act, the entire source of legislation. In my judgment the public welfare will be best subserved by a return to the constitutional system which assigns to the Executive the duty of enforcing laws and to the Legislature the power of framing laws.

SENTER.

HOUSE BILL NO. 16.

Senator Bryan called up House bill No. 16, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hume.	Senter.

Stokes. Ward.
 Sturgeon. Watson.
 Terrell of Bowie. Weinert.
 Terrell of McLennan. Willacy.

Absent.

Harper. Thomas.
 Hudspeth. Veale.
 Paulus.

On motion of Senator Bryan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams. Murray.
 Alexander. Peeler.
 Brachfield. Perkins.
 Bryan. Real.
 Cofer. Senter.
 Greer. Stokes.
 Hayter. Sturgeon.
 Holsey. Terrell of Bowie.
 Hume. Ward.
 Kellie. Watson.
 Masterson. Weinert.
 Mayfield. Willacy.
 Meachum.

Absent.

Harper. Terrell of McLennan.
 Hudspeth. Thomas.
 Paulus. Veale.

The Chair laid before the Senate, on second reading, House bill No. 16 (Stamford Independent School District bill).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams. Masterson.
 Alexander. Mayfield.
 Brachfield. Meachum.
 Bryan. Murray.
 Cofer. Peeler.
 Greer. Perkins.
 Hayter. Real.
 Holsey. Senter.
 Hume. Sturgeon.
 Kellie. Terrell of Bowie.

Terrell of McLennan. Watson.
 Thomas. Weinert.
 Ward. Willacy.

Absent.

Harper. Stokes.
 Hudspeth. Veale.
 Paulus.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams. Murray.
 Alexander. Peeler.
 Brachfield. Perkins.
 Bryan. Real.
 Cofer. Senter.
 Greer. Sturgeon.
 Hayter. Terrell of Bowie.
 Holsey. Terrell of McLennan.
 Hume. Thomas.
 Kellie. Ward.
 Masterson. Watson.
 Mayfield. Weinert.
 Meachum. Willacy.

Absent.

Harper. Stokes.
 Hudspeth. Veale.
 Paulus.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Kellie, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to grant a charter to the city of Amarillo, Potter county, Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Peeler, Cofer, Holsey, Real, Willacy, Masterson, Hume, Terrell of McLennan, Alexander.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 15, A bill to be entitled "An Act to amend Subdivision 6, Section 8, Article 2, Chapter 71 of the local and special laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas, repealing all laws or parts of laws in conflict herewith,' and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Peeler, Cofer, Holsey, Real, Willacy, Masterson, Hume, Terrell of McLennan, Alexander.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Bryan, Masterson, Mayfield, Terrell of McLennan,

Holsey, Hume, Perkins, Meachum, Murray.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We your Committee on Educational Affairs, to whom was referred

House bill No. 16, A bill to be entitled "An Act creating the Stamford Independent School District in Jones county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools in said district; investing said district with the rights, powers and privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Sturgeon, Real, Bryan, Willacy, Weinert, Brachfield.

(Floor Report.)

Austin, Texas, April 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District; to provide for the election of trustees; the issuance of bonds; the repeal of the original independent school district for Amarillo; and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Meachum, Willacy, Sturgeon, Bryan, Real.

Committee Room,

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be

known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets and alleys and to cede the same or any part thereof, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

The Chair had the following read to the Senate:

Italy, Texas, April 13, 1909.

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, your petitioners, respectfully represent that we are citizens of Ellis county, and of political faith Democrats, and are farmers and business men. As such citizens we wish to enter our protest against the passage of any bill which has for its object the guaranteeing of deposits, in banks, by forcing such banks into a co-partnership, against their will, with other banks for the sole purpose of forcing the solvent and well managed bank to pay the losses of the ill managed and insolvent banks. Such a law would be manifestly unjust, socialistic, and out of harmony with what we regard as true democracy. Such a measure, if passed, would result in a great injury to our entire peoples.

Trusting that political passion and prejudice may be abandoned, and that reason may reign in the consideration of this vital question, we subscribe ourselves,

Numerously signed.

Hon. A. B. Davidson, Lieutenant Governor, State of Texas, Austin, Texas.

Dear Sir: We, your petitioners and Democratic voters of Henderson county, desire through you to express our hearty commendation and endorsement to the seventeen Senators who have, through their votes and influence on the bank guaranty question, stood for sound Democratic principles. The Senter-Hume bill, in our opinion, will be an absolute guarantee for the depositors in our banks, and has no tendency to Socialism which compels the solvent bankers to pay losses of incompetent bankers.

We believe 75 per cent of the voters of this county favor the Senter-Hume bill.

Numerously signed.

By Senator Real:

San Antonio, April 14, 1909.

Hon. Julius Real, Senator, Austin, Texas.

Dear Sir: The undersigned merchants and business men, representing the class which it is claimed would be the beneficiaries of a bank guaranty law, beg to protest earnestly against the passage of such law which we believe to be not based on sound principles of business integrity, and, therefore, not desired by bank depositors as a class.

We have been much pleased with the stand taken by a majority of the Senate, and beg you to convey to them our appreciation as well as our confident belief that they will not permit themselves to be swerved from the sound position heretofore held by them.

With best wishes,

Numerously signed.

By Senator Perkins:

Quinlan, Texas, April 14, 1909.

Hon. Tom Perkins, Senate, Austin, Texas.

Dear Sir: We note you have given to the press several telegrams and communications from bankers and a few others who are in line with your way of thinking on the bank guaranty law that has been before the Senate, but have failed to give out the petitions from those favoring the Cureton bill, of which you have surely received many, including one from this place containing forty-two names and could have as easily contained 1000, not a man refusing to sign that had an opportunity.

It remains to be seen whether the

bankers are in the majority in your district. Give each side a square deal is all we ask.

Numerously signed.

By Senator Senter:

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, the undersigned Democratic voters of Tarrant county, Texas, hereby represent to the honorable body, of which you are President, that in voting for the platform demands of the Democratic party at the last State election, it was not our intent to make any demands calling for legislation or innovations at variance with the time-honored principles of the Democratic party.

That we have all becoming and deferential respect for the leaders of our party, both National and State, both legislative and executive, in proportion to their adherence to true Democratic principles; but we deplore and condemn any tendency or effort, intentional or otherwise, on the part of any of them to lead the Democratic party astray, or force it into actions more tainted with Populism than bearing the native hues of democracy.

That we favor any bank guaranty under which each bank can be responsible for its own goodness, or want thereof; but we do not believe it to be just, reasonable or Democratic to require the good to pay the debts of the bad, or to penalize the competent for the benefit of the incompetent; and we do not believe that any necessity or emergency exists sufficient to justify the commitment of the Democratic party to such a policy.

Numerously signed.

FIFTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, April 20, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Hayter.
Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofer.	Kellie.
Greer.	Masterson.
Harper.	Mayfield.

Meachum.	Terrell of Bowie.
Murray.	Terrell of McLennan.
Peeler.	Thomas.
Perkins.	Ward.
Real.	Watson.
Senter.	Weinert.
Stokes.	Willacy.

Absent.

Paulus.	Veale.
Sturgeon.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Hudspeth for yesterday, on motion of Senator Adams.

Senator Harper for yesterday, on motion of Senator Mayfield.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 6, A bill to be entitled "An Act making appropriation for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and declaring an emergency."

House bill No. 26, A bill to be entitled "An Act to amend Chapter 17 of the General Laws, passed by the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to create the Fifty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche; to provide for the present district judge of the Forty-seventh District acting as judge of the Fifty-second District

until the next general election; and to provide for the appointment of a district attorney for the Fifty-second Judicial District; to amend Section 2, Chapter 51 of the Acts of the Twenty-fifth Legislature, approved April 3, A. D. 1897; reorganizing the Forty-second Judicial District of Texas, to amend Section 29, Article 22, Title 4 of the Revised Statutes of 1895 of Texas, by reorganizing the Twenty-ninth Judicial District; to amend an act entitled "An Act to change and fix the terms of holding court in the Thirty-ninth Judicial District of the State of Texas," passed by the Twenty-sixth Legislature, and approved May 9, 1899, to provide for the appointment of a judge of the Forty-second District, to fix the time of holding court in all the above named districts; to validate all writs and other processes heretofore issued out of the district courts of the said Twenty-ninth and Forty-second Districts of Texas; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency; the same to be and is hereby amended so as to change, fix and arrange and extend the time of holding court in the Twenty-ninth Judicial District of Texas, composed of the counties of Palo Pinto, Hood, Somervell and Erath, and to repeal all laws and parts of laws in conflict herewith."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for captions):

House bill No. 6, referred to Committee on Finance.

House bill No. 26, referred to Committee on Judicial Districts.

BILLS AND RESOLUTIONS.

By Senators Senter and Hume:

Senate bill No. 26, A bill to be entitled "An Act to require each corporation organized under the laws of this State to do a banking business," etc.

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Willacy:

Senate bill No. 27, A bill to be entitled

"An Act to amend an act creating an independent school district to be known as Corpus Christi Independent School District," etc.

Read first time, and referred to Committee on Educational Affairs.

By Senators Terrell of McLennan and Harper:

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Hudspeth:

Senate bill No. 29, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas," etc.

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth:

Senate bill No. 30, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas," etc.

Read first time, and referred to Committee on Educational Affairs.

(By unanimous consent, after the morning call had been concluded):

By Senators Hume, Murray, Kellie, Real, Adams, Perkins, Hudspeth, Watson, Ward, Senter, Terrell of McLennan, Peeler, Greer, Hayter, Bryan, Masterson, Cofer, Alexander, Stokes, Weinert, Harper and Meachum:

Senate bill No. 31, A bill to be entitled "An Act to provide for the further improvement and maintenance of the San Jacinto State Park, under provisions of Chapter 48 of the Acts of the Regular Session of the Thirtieth Legislature; making an appropriation therefor, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senators Meachum, Greer, Perkins and Harper:

Senate bill No. 32, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banking corporations; and providing for the better securing of depositors of such corporations; providing for and defining bond security banks; and providing for and defining guaranty fund banks; and providing that all banking corporations hereafter formed shall avail their depositors of the protection provided for by this act either for bond security banks or guaranty fund banks at their option; and that all banks heretofore incorporated and all banks incorporated prior to the adoption of the Constitution of 1876 and all National banks transacting business in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act either as bond security banks or guaranty funds banks; amending Chapter 10 of the Acts of the First Called Session of the Twentieth Legislature of the State of Texas, prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking, and creating the State Banking Board and prescribing its powers and duties, and providing for penalties for the violation of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, There is now pending in the United States Congress a bill removing the duty from hides; and

Whereas, This would work a great loss to the cattle industry of Texas should this bill pass; therefore, be it

Resolved, That we request our United States Senators and Representatives to vote for and advocate a duty on hides so long as a duty remains on the manufactured article.

The resolution was read and adopted. Morning call concluded.

SENATE BILL NO. 11.

The Chair laid before the Senate, on second reading and regular order, Senate bill No. 11. A bill to be entitled

"An Act to grant a charter to the city of Amarillo, Potter county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Senator Veale being the author of the bill and he being absent,

Senator Alexander moved that the bill be laid on the table subject to call. The motion was adopted.

HOUSE BILL NO. 15.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 15, A bill to be entitled "An Act to amend Subdivision 6, Section 8 of Article 2, Chapter 71 of the Local and Special Laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas; repealing all laws or parts of laws in conflict herewith,' and declaring an emergency."

On motion of Senator Alexander, the bill was laid on the table subject to call.

SENATE BILL NO. 13.

Senator Terrell of McLennan called up Senate bill No. 13, and on his motion the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—27.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Adams.	Sturgeon.
Paulus.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 13, A bill to be entitled "An Act requiring railroad companies

to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Masterson.	

Absent.

Adams.	Paulus.
Mayfield.	Sturgeon.
Meachum.	Veale.
Murray.	Ward.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Meachum.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Adams.	Sturgeon.
Mayfield.	Veale.
Murray.	Watson.
Paulus.	

Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 10.

Senator Senter called up House bill No. 10, and on his motion the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Ward.
Hume.	Weinert.
Kellie.	Willacy.

Absent.

Mayfield.	Terrell of McLennan.
Paulus.	Veale.
Perkins.	Watson.
Sturgeon.	

The Chair laid before the Senate, on second reading,

House bill No. 10, A bill to be entitled "An Act creating the Irving Independent School District in Dallas county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Paulus.	Sturgeon.
Perkins.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Paulus.	Terrell of McLennan.
Perkins.	Veale.
Sturgeon.	

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 15.

Senator Senter called up from the table House bill No. 15 (see former proceedings for caption).

The bill was read.

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to third reading.

RECESS.

There being nothing on the calendar, Senator Weinert moved that the Senate recess until 2 o'clock today.

Senator Stokes moved that the Senate adjourn until 10 o'clock Thursday morning.

Action being on the longest time first, the motion to adjourn was lost by the following vote:

Nays—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Hudspeth.	Sturgeon.
Paulus.	Veale.
Perkins.	

The motion to recess until 2 o'clock today was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 43, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof, and defining their duties, powers and authority; authorizing said board of trustees to buy, assess and collect a tax of not exceeding 50 cents on \$100 of all property in said district subject to taxation for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district, and for equipping and furnishing the same, and to issue bonds for such buildings and purchasing and equipping and furnishing; and for subdividing tax levies when

made and the funds when collected, and providing for elections and the proposition to levy such taxes and to issue such bonds, and providing that the trustees when elected and qualified shall take over and assume control of public free school property and funds within and for the limit of the district and make use of the same for public school purposes and assume and pay all legal indebtedness and obligations now owed by or outstanding against said Bronte School District in Coke county, Texas, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon the independent school districts and the board of trustees thereof, formed by the incorporation of a town or village for free school purposes only under general laws, and declaring an emergency."

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency," with amendments.

House bill No. 44, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof, and defining their duties, powers and authority; authorizing said board of trustees to buy, assess and collect a tax of not exceeding 50 cents on \$100 of all property in said district subject to taxation for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district and for equipping and furnishing the same and to issue bonds for such buildings and purchasing and equipping and furnishing; and for subdividing tax levies when made and the funds when collected, and providing for elections and the proposition to levy such taxes and to issue such bonds and providing that the trustees when elected and qualified shall take over and assume control of public free school property and funds within and for the limits of the district, and make

use of the same for public school purposes and assume and pay all legal indebtedness and obligations now owed by or outstanding against said Robert Lee School District in Coke county, Texas, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon the independent school districts and the board of trustees thereof, formed by the incorporation of a town or village for free school purposes only under general laws, and declaring an emergency."

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets and alleys and to cede the same or any part thereof, and declaring an emergency."

House bill No. 17, A bill to be entitled "An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for captions):

House bill No. 17, referred to Committee on Educational Affairs.

House bill No. 44, referred to Committee on Educational Affairs.

House bill No. 43, referred to Committee on Educational Affairs.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 20, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointment:

William D. Williams, of Tarrant county, to the office of Railroad Commissioner, vice Hon. L. J. Storey, deceased.

T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Brachfield moved that the Senate go into executive session Thursday morning at 11:30 o'clock for the purpose of consideration of the above appointment.

The motion prevailed.

Here the Senate was at ease for about 40 minutes, and when order was called, Senator Cofer moved a call of the Senate for the purpose of securing a quorum. The roll was called, the following answering to their names, a quorum being present:

Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Paulus.
Alexander.	Terrell of McLennan.
Hayter.	Veale.
Hudspeth.	

SENATE BILL NO. 6.

Senator Cofer called up

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra, in the county of Cooke, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate engrossed bill No. 6

by striking out the word "and" in line 19, page 2, and by inserting the word "and" in line 20, page 2, just before the word "labor."

Amend same bill by striking out the word "entray" in line 25, page 10, and insert in lieu thereof the word "entry," and by inserting in same line after the word "thereof" the words "to be made."

The motion to concur prevailed by the following vote:

Yeas—24.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Adams.	Senter.
Hayter.	Terrell of McLennan.
Hudspeth.	Veale.
Paulus.	

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 16, "An Act creating the Stamford Independent School District in Jones county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Senate bill No. 8, "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets

and alleys and to cede the same or any part thereof, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Murray, the Senate adjourned until 10 o'clock Thursday morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 13, A bill to be entitled "An Act to reorganize the Thirty-fifth Judicial District; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Watson, Chairman; Terrell of Bowie, Perkins, Masterson, Willacy, Harper, Ward.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 10, A bill to be entitled "An Act creating the Irving Independent School District in Dallas county, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing said district with the rights, powers, privileges and duties of a town incorporated for free school purposes only under the general laws, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass and be not printed.

Alexander, Chairman; Real, Meachum, Willacy, Harper, Weinert, Brachfield, Bryan.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public, and giving the Railroad Commission power to require compliance with this act; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass and be not printed.

Brachfield, Chairman; Terrell of McLennan, Mayfield, Bryan, Perkins, Masterson, Murray, Holsey.

Committee Room,

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1905; August 31, 1906; August 31, 1907; August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909; August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, 1895, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature, and Chapter 150 of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District, to provide for the election of trustees, the issuance of bonds, the repeal of the original independent school district for Amarillo, and creating an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, A bill to be entitled "An Act requiring railroad companies

to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Senter:

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, the undersigned Democratic voters of Tarrant county, Texas, hereby represent to the honorable body of which you are President, that in voting for the platform demands of the Democratic party at the last State election, it was not our intent to make any demands calling for legislation or innovations at variance with the time-honored principles of the Democratic party.

That we have all becoming and deferential respect for the leaders of our party, both national and State, both legislative and executive, in proportion to their adherence to true Democratic principles; but we deplore and condemn any tendency or effort, intentional or otherwise, on the part of any of them to lead the Democratic party astray, or force it into actions more tainted with populism than bearing the native hues of Democracy.

That we favor any bank guaranty under which each bank can be responsible for its own goodness, or want thereof; but we do not believe it to be just, reasonable or Democratic to require the good to pay the debts of the bad, or to penalize the competent for the benefit of the incompetent; and we do not believe that any necessity or emergency exists sufficient to justify the commitment of the Democratic party to such a policy.

Numerously signed.

By Senator Stokes:

To the Representatives at Austin, Texas.

Gentlemen: We, the undersigned citizens and voters of Trinity county, Texas, wish to express our unqualified approval and endorsement of the various telegrams and petitions sent to members of the House and Senate from various portions of the State, to the ef-

fect that you pass the appropriation bill and adjourn.

There is no demand from the people for any further legislation at this time, and, in our judgment, the very best interest of the State will be subserved by suspending further effort to encumber our statutes with new and untried schemes of legislation.

Numerously signed.

By Senator Ward:

Hon. Pierce B. Ward, Senate, Austin, Texas.

Dear Sir: We, your petitioners, citizens of Hill county, respectfully ask that you use your influence and vote against the proposed measure generally known as the Love-Cureton bank deposit guaranty bill, for the reasons that—

We are satisfied with the present excellent banking laws, both National and State, and believe with a proper enforcement of same that depositors and customers of the banks, State and National, will be fully and amply protected.

We are not in favor of the banks of the country forming a general partnership, or of banks guaranteeing the business of another where they have no voice or control in the management of another. We regard this measure as unfair, unbusinesslike and against the best interest of our State, in that it is unnecessary, expensive and experimental.

We would favor instead of the Love-Cureton bill, the Senter amendment, which authorizes any bank to insure its deposits at their option.

Numerously signed.

By Senator Murray:

Cuero, Texas, April 19, 1909.

Senator W. O. Murray, Austin, Texas:

We heartily commend your opposition to bank guaranty bill, which bill we regard as extremely hurtful to the people of Texas. We can send you petition in opposition should you so desire. The people are in accord with your course in the Legislature.

Numerously signed.

Rockport, Texas, April 19, 1909.

Hon. W. O. Murray, Senate Chamber, Austin, Texas:

Petition from here today commending your position favoring Senter-Hume bill contains signatures of every business man in this town who was in when called on.

J. W. PEOPLES.

Rockport, Texas, April 19, 1909.

Hon. W. O. Murray, Senate Chamber, Austin, Texas:

We commend your position in supporting Senter-Hume bank guaranty measure, providing for individual responsibility and ask you to oppose to the last ditch Cureton-Love bill, which forces all banks into an involuntary co-partnership.

Numerously signed.

By Senator Real:

Kerrville, Texas, April 16, 1909.

Senator Julius Real, Austin, Texas:

I am inclosing you an endorsement of your vote on the bank guaranty bill which will explain itself.

I only had a very short time to see the voters, but could get nine-tenths of the people if I had time. I really only had one man to refuse to sign this endorsement. Yours truly,

J. M. HAMILTON.

Kerrville, Texas, April 14, 1909.

Senator Julius Real, Austin, Texas:

We, the undersigned voters and citizens of Kerrville, Kerr county, heartily endorse your vote in favor of the Senter-Hume bank guaranty bill, in preference to the Cureton bill.

We do not favor any bank guaranty bill and believe the principle of same to be wrong; but if we are to have such a bill thrust upon us, we do not favor the many radical features of the Cureton bill, and therefore we favor the Senter-Hume bill as a choice between the two.

Numerously signed.

By Senator Hudspeth:

San Angelo, Texas, April 14, 1909.

Hon. C. B. Hudspeth, Austin, Texas.

Dear Sir: Force the banks to secure the depositors at the bank's expense. They can easily get insurance or organize mutual insurance companies themselves. Your friend,

C. B. METCALE,

President Southern Cotton Growers' Association.

By the Chair:

To Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, the undersigned farmers and business men of Midlothian, Texas, respectfully ask you to use your influence in the coming called session of the Legislature to defeat any legislation whereby a law might be passed forcing all

banks doing business under a State charter into a copartnership whereby the good and honest bank will become responsible for the loss caused by the dishonest. We are Democrats of the old school and do not believe in socialism. We do not care how strong you make the bank law, but let each bank stand on its own merits, and if you will pass stringent laws in regard to dishonesty in banks there will be no more bank failures in our opinion.

Approving of the way your office has acted so far, beg to remain,
Numerously signed.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, April 22, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Hudspeth.	Veale.
Meachum.	Watson.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hume, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Meachum for today, on motion of Senator Kellie.

Senator Veale for Monday, Tuesday and today, on motion of Senator Alexander.

BILLS AND RESOLUTIONS.

By Senator Kellie:

Senate bill No. 33, A bill to be entitled "An Act to encourage and foster the work of our State School of Correspondence, known and designated as Cosmopolitan Correspondence College, No. 2806 North Guadalupe Street, Austin, Texas."

Read first time, and referred to Committee on Educational Affairs.

Morning call concluded.

HOUSE BILL NO. 13.

On motion of Senator Adams, the pending order of business (House bill No. 15) was suspended, and the Senate took up, out of its order, House bill No. 13 by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Weinert.

Absent.

Bryan.	Ward.
Greer.	Watson.
Hudspeth.	Willacy.
Senter.	

Absent—Excused.

Meachum.	Veale.
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The Chair laid before the Senate, on second reading,

House bill No. 13, A bill to be entitled "An Act to reorganize the Thirty-fifth Judicial District; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict therewith."

Bill read second time, and passed to a third reading.

On motion of Senator Adams, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of
Kellie.	McLennan.
Masterson.	Thomas.
Mayfield.	Weinert.

Absent.

Greer.	Ward.
Hudspeth.	Watson.
Senter.	Willacy.

Absent—Excused.

Meachum.	Veale.
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The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	

Absent.

Greer.	Sturgeon.
Hudspeth.	Watson.
Senter.	Willacy.

Absent—Excused.

Meachum.	Veale.
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Senator Adams moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 15.

The Chair laid before the Senate, on third reading and regular order,

House bill No. 15, A bill to be entitled "An Act to amend Subdivision 6, Section 8 of Article 2, Chapter 71 of the local and special laws of Texas, passed at the Regular Session of the Thirtieth

Legislature, entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas; repealing all laws or parts of laws in conflict herewith,' and declaring an emergency."

On motion of Senator Alexander, the bill was laid on the table subject to call.

The Senate was here at ease for 35 minutes.

USE OF SENATE CHAMBER GRANTED.

Austin, Texas, April 22, 1909.

Lieutenant Governor Davidson.

I, as State Historian of "Daughters of the War of 1812," am appointed by our State President to ask the consent of the State Senators for us to use the Senate Chamber on the evening of May 6, 1909, for our State meeting. Our session will open at 8:30 o'clock. If your body is still in session you are most cordially invited to attend this meeting, with your families and friends. If you grant us this courtesy to our patriotism, will you please name an hour some time that day to decorate the President's stand? Very respectfully,

MRS. E. P. SMITH.

On motion of Senator Peeler, the above request was granted, and 6 o'clock was designated as the hour to decorate the Chamber.

EXECUTIVE SESSION.

Here the Chair (Lieutenant Governor Davidson) announced that the hour, 11:30 o'clock a. m., had arrived, which time had been previously designated for the Senate to go into executive session to consider appointment made by the Governor.

In executive session the following confirmation was made:

Wm. D. Williams, as member of the Railroad Commission.

IN THE SENATE.

(President Pro Tem. Murray in the chair.)

HOUSE BILL NO. 26.

Senator Bryan called up House bill No. 26, and on his motion the Senate rule requiring committee reports to lie over for one day was suspended, for the

purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofe.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Holsey.	Sturgeon.
Hudspeth.	Watson.
Stokes.	

Absent—Excused.

Meachum.	Veale.
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The Chair laid before the Senate, on second reading,

House bill No. 26, A bill to be entitled "An Act to amend Chapter 17 of the General Laws, passed by the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to create the Fifty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche; to provide for the present district judge of the Forty-seventh District acting as judge of the Fifty-second District until the next general election; and to provide for the appointment of a district attorney for the Fifty-second Judicial District; to amend Section 2, Chapter 51, of the acts of the Twenty-fifth Legislature, approved April 3, A. D. 1897; reorganizing the Forty-second Judicial District of Texas, to amend Section 29, Article 22, Title 4 of the Revised Statutes of 1895 of Texas, by reorganizing the Twenty-ninth Judicial District; to amend an act entitled "An Act to change and fix the terms of holding court in the Thirty-ninth Judicial District of the State of Texas," passed by the Twenty-sixth Legislature, and approved May 9, 1899, to provide for the appointment of a judge of the Forty-second District, to fix the time of holding court in all the above named districts; to validate all writs and other processes heretofore issued out of the district courts of the said Twenty-ninth and Forty-second Districts of Texas; to

repeal all laws and parts of laws in conflict herewith, and declaring an emergency'; the same to be and is hereby amended so as to change, fix and arrange and extend the time of holding court in the Twenty-ninth Judicial District of Texas, composed of the counties of Palo Pinto, Hood, Somervell and Erath, and to repeal all laws and parts of laws in conflict herewith."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to a third reading.

(Lieutenant Governor Davidson in the chair.)

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 20, 1909.

To the Legislature.

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects and suggest legislation thereon:

First—Legislation amending the city charter of the city of Greenville, Texas, and the acts amendatory of the said city charter.

Second—Legislation prohibiting officers and directors of life insurance companies transacting business in this State from receiving or contracting to receive any commission or other compensation contingent upon the writing of business or the assumption of risks by such companies and authorizing life insurance companies incorporated under the laws of this State, at their option, to deposit security equal in value to the legal reserves on the outstanding policies and annuity bonds for the benefit of the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which it shall be held, and legislation amending the existing laws relating to fraternal insurance.

T. M. CAMPBELL,
Governor of Texas.

SIMPLE RESOLUTION.

By Senator Masterson:

Whereas, On the occasion of our visit to San Antonio on April 21st, the good people of that great metropolis of the

Southwest extended unbounded hospitality to the members of the Senate, and

Whereas, The Hon. Julius Real, Senator from the Twenty-fourth Senatorial District, and Representatives Terrell, Wahrmond and Adams of Bexar county were tireless in their efforts to provide for the comfort and entertainment of their guests, therefore be it

Resolved, by the Senate of Texas, That we congratulate San Antonio on the magnificent display in the Battle of Flowers and extend our thanks and appreciation to the citizens of San Antonio and to Senator Real and Representatives Terrell, Wahrmond and Adams for their many courtesies extended us.

MASTERTON,
ALEXANDER,
WILLACY.

On motion of Senator Hume, the resolution was adopted by a rising vote.

ADJOURNMENT.

On motion of Senator Murray, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 44, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof, and defining their duties, powers and authority; authorizing said board of trustees to levy, assess and collect a tax of not exceeding 50 cents on one hundred dollars of all property in said district subject to taxation for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district, and for equipping and furnishing the same, and to issue bonds for such buildings and purchasing and equipping and furnishing; and for subdividing tax levies when made, and the

funds when collected; and providing for elections on the proposition to levy such taxes and to issue such bonds; and providing that the trustees when elected and qualified shall take over and assume control of public free school property and funds within and for the limits of the district, and make use of the same for public free school purposes and assume and pay all legal indebtedness and obligations now owned by or outstanding against said Robert Lee School District in Coke county, Texas, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon the independent school districts and the board of trustees thereof, formed by the incorporation of a town or village for free school purposes only, under general laws, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Hume, Brachfield, Bryan, Weinert, Harper, Willacy.

(Floor Report.)

Austin, Texas, April 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

House bill No. 17, A bill to be entitled "An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed:

Amend the bill, page 3, Section 123, line 5, by striking out the word "provided," and all of the following lines down to and including the word "years" in line 17.

Alexander, Chairman; Real, Bryan, Harper, Hume, Weinert, Willacy.

(Floor Report.)

Austin, Texas, April 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

House bill No. 43, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof, and defining their duties, powers and authority; authorizing said board of trustees to levy, assess and collect a tax of not exceeding 50 cents on one hundred dollars of all property in said district subject to taxation, for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district, and for equipping and furnishing the same; and to issue bonds for such buildings and purchasing and equipping and furnishing; and for subdividing tax levies when made and the funds when collected; and providing for elections on the propositions to levy such taxes and to issue such bonds and providing that the trustees when elected and qualified shall take over and assume control of public free school property and funds within and for the limits of the district and make use of the same for public free school purposes, and assume and pay all legal indebtedness and obligations now owed by or outstanding against said Bronte school district in Coke county, Texas, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon the independent school districts and the board of trustees thereof, formed by the incorporation of a town or village for free school purposes only under general laws, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Hume, Brachfield, Bryan, Weinert, Harper, Willacy.

(Floor Report.)

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District, in Coke county, Texas, and defining its boundaries, providing for the election of a board of trustees thereof, and defining their duties, powers and authority;

authorizing said board of trustees to buy, assess and collect a tax of not exceeding 50 cents on one hundred dollars of all property in said district subject to taxation for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district and for equipping and furnishing the same and to issue bonds for such; subdividing tax levies when made and the funds when collected and providing for elections and the proposition to levy such taxes and to issue such bonds, and providing that the trustees when elected and qualified shall take over and assume when elected and qualified control of public free school property and funds within and for the limits of the district, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Meachum, Bryan, Willacy, Weinert, Hume, Harper.

(Floor Report.)

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

Senate bill No. 27, A bill to be entitled "An Act to amend 'An Act creating an independent school district to be known as Corpus Christi Independent School District, including within its limits the municipal corporation of the city of Corpus Christi, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board, and declaring an emergency,' passed at the regular session of the Thirty-first Legislature, known as Senate bill No. 320, so as to hereafter read as follows, and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and beg leave to report it back to

the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Real, Hume, Sturgeon, Willacy, Weinert, Brachfield, Meachum.

(Floor Report.)

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

Senate bill No. 29, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District, in Coke county, Texas, and defining its boundaries, providing for the election of a board of trustees thereof, and defining their duties, powers and authority, authorizing said board of trustees to buy, assess and collect a tax of not exceeding 50 cents on one hundred dollars of all property in said district subject to taxation for all purposes, including maintenance of its schools, purchasing and constructing public free school buildings and sites therefor within the district and for equipping and furnishing the same, and to issue bonds for such; subdividing tax levies when made, and the funds when collected, and providing for elections and the proposition to levy such taxes and to issue such bonds and providing that the trustees when elected and qualified shall take over and assume when elected and qualified control of public free school property and funds within and for the limits of the district, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Real, Meachum, Bryan, Willacy, Weinert, Hume, Harper.

(Floor Report.)

Austin Texas, April 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Judicial Districts, to whom was referred

House bill No. 26, A bill to be entitled "An Act to amend Chapter 17 of the General Laws passed by the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to create the Fifty-second Judicial District of the State of Texas, as composed of the counties

of Coryell, Hamilton and Comanche, to provide for the present district judge of the Forty-seventh District acting as judge of the Forty-seventh District until the next general election, and to provide for the appointment of the district attorney for the Fifty-second Judicial District of Texas, and to amend Section 2, Chapter 51, of the Acts of the Twenty-fifth Legislature, approved April 3, A. D. 1897, reorganizing the Twenty-ninth Judicial District," etc.,

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Hume, Ward, Masterson, Terrell of Bowie, Perkins, Paulus, Peeler, Harper.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 16, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business whatever, except interstate business, or to establishing or maintaining within this State a general or special officer therefor, shall obtain from the Secretary of State and have a current permit to do business within this State, and making it a misdemeanor for any officer, agent, representative or employee of such corporation, in the name or on behalf of or for such corporation, to do any business whatever within this State, except interstate business, or to establish or maintain within this State any general or special office therefor, unless such corporation shall have first obtained and shall have from the Secretary of State a current permit to do business within this State; defining what foreign corporations may obtain such permit from the Secretary of State; prescribing the manner of obtaining such permit and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to main-

tain any suit or action in any of the courts of this State upon any demand whether arising out of contract or tort, unless at the time such contract shall be made or tort shall be committed, such corporation shall have obtained such permit; providing penalties and punishments for violations of provisions of this act and for the enforcement of such penalties and punishments; providing that civil suits for the enforcement of any of the provisions of this act shall be brought by the Attorney General or by the district or county attorney of the county in which such suit may be brought under the direction of the Attorney General and fixing venue of such suits; prescribing rules of evidence relating to such permit, or certified copy thereof; repealing Chapter 17 of Title 21 of the Revised Statutes, and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fifth Legislature; making the provisions of this act cumulative of all existing laws, except such as are expressly repealed by this act; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, with the following amendment:

By striking out all of the first paragraph of Section 5 after the word "State" in line 8 of the original bill, and down to and including the words "restraint of trade" at the end of said first paragraph, and that it be not printed.

Meachum, Chairman; Stokes, Peeler, Thomas, Cofer, Hume, Ward, Masterson.

Committee Room,

Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 8, "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled, 'An Act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets and alleys and to cede the

same or any part thereof, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 3 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Acting Chairman.

PETITIONS AND MEMORIALS.

By Senator Hume:

Humble, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:

No opposition to Cureton bill as passed by House. Please support measure.

JOHN M. SHEERS,

Cashier Humble State Bank.

Houston, Texas, April 21, 1909.

Senator F. Chas. Hume, Austin, Texas:

Houston Labor Council endorsed the Cureton bill; request you support it.

E. P. LORD, Secretary.

Comfort, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:

We are opposed to legislation making one bank responsible for the debts of all other banks as is contemplated in the Cureton bill, which we believe to be contrary to the principles of good government.

PAUL G. VILLAREAL,

President Comfort State Bank.

Weatherford, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:

Hope you will oppose the Love bill to the last.

MERCHANTS AND FARMERS STATE BANK.

Waxahachie, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:

Oppose Cureton guaranty deposit bill. STATE BANK AND TRUST CO.

Forreston, Texas, April 19, 1909.

Senator Hume, Austin, Texas:

Please oppose the Cureton guarantee deposit bill.

FORRESTON STATE BANK.

Allen, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:

We oppose Cureton bill because it is unfair, socialistic and works hardships on solvent banks.

ALLEN STATE BANK.

Red Oak, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:
Oppose Cureton guaranty deposit bank bill.

FIRST STATE BANK of Red Oak.

Fort Worth, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:
We had rather not see any of the proposed bank guarantee laws pass.

WILLIAM REEVES,

President First State Bank and Trust Company of Fort Worth.

Fort Worth, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:
We are opposed to the Cureton bill or any other bill that makes us liable, directly or indirectly, for other banks' deposits.

W. T. WAGGONER,

President Waggoner Bank and Trust Company.

Celeste, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:
We are against Cureton-Love bill; our stockholders object to signing joint note with Texas bank guarantee deposit; prefer to stand on our own foundation.

CELESTE STATE BANK,
G. K. Cheatham, Cashier.

Yoakum, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:
We oppose passage of Cureton bill; consider it unjust to be taxed or put on level with unreliable bank, of which there will be a large number after passage.

YOAKUM STATE BANK.

Nixon, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:
We fear joint liability of all State banks; reason, State banks new, mainly; newer community bank guarantee might give them over confidence, general crop shortage or adverse conditions newer part State great drain on survivors.

NIXON STATE BANK.

Groveton, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:
We oppose the Cureton bill for the reason that we don't want to be held responsible for the misdeeds of others.
THE GROVETON STATE BANKS.

Quanah, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:
Bitterly oppose Cureton bill; injustice to good banks; let each secure its own deposits.

FIRST STATE BANK OF QUANAH.

Waco, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:
We are opposed to any guarantee bill, because it is unfair, unjust, unreasonable.

WACO STATE BANK,

By W. W. Seley, President.

Wharton, Texas, April 20, 1909.

Hon. F. Chas. Hume, Austin, Texas:
Our opinion passage of guaranty bills before House and Senate very detrimental to business interests of State; if you can consistently oppose such legislation, will appreciate it.

WHARTON STATE BANK.

Weatherford, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:
We consider the Cureton bill death blow to State banks.

WEATHERFORD BANK AND TRUST COMPANY,

By H. W. Kuteman, President.

Dallas, Texas, April 20, 1909.

Senator F. Chas. Hume, Austin, Texas:
We object to the Cureton bill for the reason that it puts an unlimited liability on our stockholders. We see no reason why our stockholders should be assessed to pay the deposits of any other institution.

Signed—Commercial Bank and Trust Company, Royal A. Ferris, President; Bankers Trust Company, S. J. McFarland, Vice President; First State Bank, Richardson, D. E. Waggoner, President; First State Bank, Seagoville, D. E. Waggoner, President.

Celeste, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas.

Dear Sir: Enclosed find a copy of telegram sent you this afternoon. My stockholders are against the Cureton-Love bill guaranteeing deposits in the State banks of Texas. We did not go into business to back the banks of Texas, and my stockholders refuse to sign a joint note with other banks; prefer to stand on our own foundation.

While we feel sure you will give this bill your undivided attention, just wish to assure you we are with you, with regards and best wishes. Yours truly,

G. K. CHEATHAM, Cashier.

Celeste, Texas, April 19, 1909.

Senator F. Chas. Hume, Austin, Texas:

We are against the Cureton-Love bill. Our stockholders object to signing a joint note with Texas banks guaranteeing deposits; prefer to stand on our own foundation.

CELESTE STATE BANK,

G. K. Cheatham, Cashier.

Bay City, Texas, April 15, 1909.

Hon. F. Chas. Hume, Austin, Texas.

Dear Sir: As you doubtless realize the State banks are deeply interested in the guarantee measure proposed, and we want to go on record as being unalterably opposed to the Cureton bill, and would much prefer that the Legislature pass no measure at this session in furtherance of the so-called platform demand. From our standpoint we regard legislation along financial lines should be extremely conservative as it affects the whole body politic, either adversely or favorably very quickly and it is difficult to determine in advance just how some apparently good laws may work out, therefore we hope your honorable body will make haste slowly in the matter of passing any kind of a bank guarantee measure at this term. We are very truly yours,
BAY CITY BANK AND TRUST CO.

Palacios, Texas, April 15, 1909.

Hon. F. Chas. Hume, Austin, Texas.

Dear Sir: We wish to congratulate the Senate on its opposition to the Cureton bill, which, appears to us, to be an outrageous bill making banks and bankers that are trying to do a legitimate, straightforward business, liable for the misdeeds of others. We wish to assure you that we feel that the Senter-Hume bill is a very fair measure and has our endorsement.

Yours very respectfully,

PALACIOS STATE BANK.

Blessing, Texas, April 15, 1909.

Hon. F. Chas. Hume, Austin, Texas.

Dear Sir: We wish to congratulate you and the remainder of the Senate who have supported the Senter-Hume bill for your attitude on the subject of a bank deposit guaranty. To my mind the adoption of the Cureton bill, as passed by the House, would be productive of most disastrous consequences to the general credit, and consequently to the individual depositor, as well as to the banks. It seems to me that your bond feature is better calculated to se-

cure the rights of the depositors and of the banks than any other proposition that has been urged, and we trust that you and those who are with you in the Senate will stand firm and not be influenced by intimidation from any sources, because the people are with you. Yours very truly,

BLESSING STATE BANK.

Brackettville, Texas, April 21, 1909.

Senator F. Chas. Hume, Austin, Texas.

Dear Sir: Wrote the following telegram to you yesterday, but, being away from the railroad, could not get it off, so mail it.

Opposed to the mutual guarantee of deposits by banks, thus making a chain of banks, the strongest no stronger than the weakest. Very truly yours,

GEO. A. GIDDINGS, Cashier.

By Senator Brachfield:

Houston, Texas, April 19, 1909.

To the Thirty-first Legislature of the State of Texas, Austin:

We, the undersigned, for ourselves and in the names of more than 3000 other depositors of the T. W. House bank of this place, the larger part of whom are business men ruined by the failure, women, widows, children, dependent invalids, farmers and working people beggared by it and having an aggregate deposit of more than \$2,000,000, most humbly and earnestly petition the two houses of the Thirty-first Legislature of this State, in the interest of the public good and of humanity, to pass the bank guaranty measure now pending before your honorable bodies and known as the Cureton bill. We assure you that the votes of the Senator and Representatives from this county, on the question of bank guaranty, do not represent the overwhelming sentiment of the Democratic citizens of their districts, but are in direct conflict therewith.

You are, yourselves, deceived if you believe the people are deceived. There is no question upon which the people are more earnest and unanimous than that of guaranty of State bank deposits, and they recognize in the Senter-Hume bill a sham and a subterfuge whose enactment into law would be more disastrous than no guaranty. We protest against National bankers assuming to represent before the Legislature the interest of depositors on this question and we insist that the representatives chosen by the people to legislate for them shall view the question from the standpoint

of depositors who are not able to organize and finance a legislative corps of agents at Austin to argue their cause before committees and with members of the Legislature from day to day in order to secure what the people have so directly and unmistakably demanded by both National and State platforms.

The House bank failed on October 17, 1907, and to this date there has been dribbled out to us only 30 per cent in dividends, with small prospect of any material addition thereto.

It is too late to save us by any statute, but we send up this cry that we may give our feeble influence to save others from the fearful calamity that has fallen upon us, as well as upon the business interests of the country.

We request that this communication be read to your honorable houses, and that you spread it upon the Journals and give it such consideration and weight as it deserves.

Numerously signed.

The Chair, had the following telegram read:

Sherman, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, the undersigned farmers and business men, earnestly commend the seventeen Senators who have stood for the Senter-Hume bank guaranty bill, which fixes upon each bank the responsibility for furnishing a special guarantee of its own deposits.

Signed—W. F. Hamblen, Walter C. Jones, W. J. Long, R. E. Strange, T. E. Bailey, Dick Hopson, B. S. White, E. R. Andrews, F. L. Chanlon, Ike Daniels, W. H. Chisholm, William Taylor, C. E. Craycroft, J. C. Sitnson, F. Birge, C. F. Barry, C. C. Smith, J. R. Malone, G. S. Murphy, W. F. McInnis, S. L. Crow, Will Leslie, E. B. Hanna, J. C. Kreager, T. M. Anderson, C. W. Taylor, H. M. Thompson, M. Shaw, H. G. Stinnett, J. B. Shaw, James C. McConville, Thomas F. Hazard, J. D. Masters, J. J. Holliday, James Eyler, A. Saul, C. L. Stowe, George Opel, W. S. Klein, Lon McKown, Eugene Cherry, J. M. Berry, Porter & Davis, S. W. Porter, W. A. Allen, J. H. Rock, W. A. Huggins, L. F. Elmu, Will L. Ely, W. N. Butridge, Ike Exsten & Bro., M. H. Andrews, John Jeppcott, G. W. Shrader, H. F. Boggs, F. E. Wallace, L. C. Chapman, W. B. Davis, James D. Works, W. W. Birge, G. D. Miller, J. R. Guntter, W. H. Rogers, J. J. Carson, F. A. Sporer, J. W. Haynes, Philip Shero, J.

M. Fahey, R. Walsh, J. F. Willis, H. L. Hall, D. H. Dumas, W. Chesnut, W. H. Gunn, William Boswell, J. P. Chenault, W. H. Lankford, T. D. Joiner, W. A. Harvey, M. C. Everheart, B. H. Joiner, J. C. McBee, J. H. Wharton, N. A. Birge, A. B. Saul, J. W. Alexander, N. B. Birge, J. B. Birge, F. T. Chaffin.

Meridian, Texas, April 20, 1909.

Hon. A. B. Davidson, Austin, Texas.

Dear Sir: Up to this time I have kept out of the bank guaranty controversy for the reason that I did not believe a bill antagonistic to the best interests of the country would be considered by our Legislature.

I now feel that it is time for every one, who has the best interests of our State at heart to speak his sentiments, hence this letter.

I believe that the measure known as the Cureton bill is contrary to the principles of sound business and conservative banking. I do not object to a guaranty law which would not require that every bank in the State be held responsible for the shortcomings of every other bank. My objections to the Cureton bill are not brought about by the fact that I am engaged as a National banker. The shareholders of this bank, myself among the number, have already applied for and obtained a charter from the State, to be used in case a just and equitable guaranty law is enacted. Personally, it matters not to me whether I am connected with a State or National bank. But I do believe as a private citizen of the State that the proposed law as it now stands is unjust and unfair to the old and tried banks that have already proven themselves worthy of the confidence of the people. I would favor and endorse a law to insure bank deposits, provided such a law should be along conservative lines, and would require that each bank furnish satisfactory and approved security for its own deposits and not be required to stand security for the deposits of any institution that might see fit to take advantage of the provisions of a law such as the one now being considered.

I have been engaged in the banking business in Meridian for twenty-five years, and feel that I know something about the people, their sentiments and wishes, and notwithstanding the fact that Senator Mayfield of this district has made statements to the contrary, I honestly believe that not more than 10 per cent of the people of this county

know anything about the law guaranteeing deposits or care anything about it. We have canvassed the county pretty thoroughly, and have had the opinion of disinterested parties along these lines, and the sentiment expressed has in almost every instance been one of indifference.

My advice would be to allow the matter to stand as it is, until the practicability of the guaranty idea, which is new and untried, has been tested. Let it stand at least until the Legislature is again convened in Regular Session, and by that time, we will have detected the flaws in the laws of other States and be in better position to consider and pass a measure which will prove beneficial and not detrimental to the best interests of our people. Give the higher courts of the country time to pass on the constitutionality of such laws, as they will most surely be called upon to do. Let us rather profit by the experience of others than have others profit by ours. Give the people an opportunity to inform themselves along these lines. They will then be prepared to instruct their lawmakers as to what they want.

Asking your indulgence in this matter, and trusting that this letter will have your careful consideration, I am

Respectfully,
J. W. RUDASILL.

By Senator Senter:

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, the undersigned Democratic voters of Tarrant county, Texas, hereby represent to the honorable body, of which you are President, that in voting for the platform demands of the Democratic party at the last State election, it was not our intent to make any demands calling for legislation or innovations at variance with the time-honored principles of the Democratic party.

That we have all becoming and deferential respect for the leaders of our party, both National and State, both legislative and executive, in proportion to their adherence to true Democratic principles; but we deplore and condemn any tendency or effort, intentional or otherwise, on the part of any of them to lead the Democratic party astray, or force it into actions more tainted with populism than bearing the native hues of democracy.

That we favor any bank guaranty under which each bank can be responsible for its own goodness, or want thereof;

but we do not believe it to be just, reasonable or Democratic to require the good to pay the debts of the bad, or to penalize the competent for the benefit of the incompetent; and we do not believe that any necessity or emergency exists sufficient to justify the commitment of the Democratic party to such a policy.

Numerously signed.

Jacksboro, Texas, April 20, 1909.

Hon. E. G. Senter, Austin, Texas.

Dear Sir: Having closely watched the proceedings in our State capital pertaining to the guarantee of deposits, I take this opportunity to say that I think you and your followers deserve much credit for the stand you have taken throughout the entire sessions. The bill that you champion treats all men alike, letting each bank, whether private, State or National, continue as such, and putting a guarantee behind them that is unquestionable. No banker is afraid of his burglary insurance policy they now hold, guaranteed by any of the large bonding companies. I believe it would be so with your insurance or guarantee law. The assessment feature in the Cureton or Love bill, to my mind, is almost identical with the co-operative life insurance associations existing in many counties in our State today. As a rule the association is made up of farmers. The rules and regulations are very brief. Any man without being put through a physical examination, age from 15 to 60, possessing the small sum of \$1.00 is eligible to membership. On proof of death of a member, each surviving member must deposit \$1.00 with the treasurer to pay off the next death loss. Any man of sound mind can readily see that the rate of mortality is very high among the older members, and small, of course, among the younger ones. In other words, the young men pay the death claims, and as soon as they are called upon for frequent assessments and discover the fact that they are paying death claims of members of advanced age, who are old and decrepit, these young members see what they are "up against" and withdraw from the association, and the association goes out of business. And so it is with the assessment feature outlined in the Cureton or Love bill, the strong banks pay the depositors' losses for the weak banks and are compelled to stay in and "take their medicine" or liquidate and go out of business. I believe that

in case this law goes into effect and another panic comes upon us which would wreck about three or four weak banks in the association, the strong banks all over the State will "get enough" after about the second or third assessment, and they will liquidate at once in order to preserve their assets. The guarantee of bank deposits is being given consideration at our National Capitol, and it seems to me that such a law should be made there and be National in its scope. Very truly yours,
ELLIS MITCHELL.

By Senator Terrell of McLennan:

Lorena, Texas, April 20, 1909.

Hon. H. B. Terrell, State Senator, Austin, Texas:

Dear Sir: Feeling that every true Democrat is uncompromisingly opposed to every move in the direction of socialism and communism that is so rife in the bank guaranty bill as passed by the lower house of the State Legislature, we would urge upon you to use your best efforts to defeat any legislation on this subject that would fasten on this State a law conceived in iniquity and founded in injustice as the Cureton bank bill.

We think unquestionably the Senter-Hume bill or one embodying the principle as set forth in this bill is the most rational and sensible of any bill yet offered either in the Senate or lower house as this will not impose an unjust burden on the safe, conservative and strong banks in order to foster the weak and wildest banking institutions that will surely spring up at every cross road without either foundation or support.

Yours for the defeat of any unjust measure.

Numerously signed.

By Senator Holsey:

Athens, Texas, April 20, 1909.

Senator Holsey, Austin, Texas:

Article in Dallas News of today states that 75 per cent of this county are in favor of Senter-Hume bill and opposed to Cureton bill. We believe the reverse of this is true.

Numerously signed.

By Senator Brachfield:

Dallas, Texas, April 19, 1909.

First State Bank, Wortham, Texas:

Please wire Senator F. Charles Hume, Austin, Texas, at once giving your reasons for opposition to Cureton bill

which makes joint liability on all State banks.

NATHAN ADAMS, Secretary.

SEVENTH DAY.

Senate Chamber,
 Austin, Texas,
 Friday, April 23, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Hudspeth.	Sturgeon.
Meachum.	Veale.
Senter.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hayter, the same was dispensed with.

INVITATION.

The Chair had the following invitation read:

Pittsburg, Texas, April 21, 1909.

To the Honorable President and Members of the Texas Senate, Austin, Texas.

Gentlemen: On Wednesday, the 28th inst., there will be a meeting at Pittsburg for the purpose of organizing a commercial clubs association for about thirty counties in Northeast and East Texas.

Besides large delegations from the counties to be organized, there will be several gentlemen high in Texas commercial club and railroad industrial work in attendance, and we expect a great and enthusiastic meeting for a

forward move in general industrial development.

Your honorable body is hereby extended a cordial and pressing invitation to be with us on this occasion and help us start this movement for a greater industrial Texas. Yours truly,

J. W. HILL,

Secretary, Pittsburg Commercial Club.

The above was read, and on motion of Senator Greer, the same was accepted.

Morning call concluded.

HOUSE BILL NO. 26.

The Chair laid before the Senate, on third reading,

House bill No. 26, A bill to be entitled "An Act to amend Chapter 17 of the General Laws, passed by the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to create the Forty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche; to provide for the present district judge of the Forty-seventh District acting as judge of the Fifty-second District until the next general election; and to provide for the appointment of a district attorney for the Fifty-second Judicial District; to amend Section 2, Chapter 51 of the Acts of the Twenty-fifth Legislature, approved April 3, A. D. 1897; reorganizing the Forty-second Judicial District of Texas; to amend Section 29, Article 22, Title 4 of the Revised Statutes of 1895 of Texas, by reorganizing the Twenty-ninth Judicial District; to amend an act entitled 'An Act to change and fix the terms of holding court in the Thirty-ninth Judicial District of the State of Texas,' passed by the Twenty-sixth Legislature, and approved May 9, 1899; to provide for the appointment of a judge of the Forty-second District; to fix the time of holding court in all the above named districts; to validate all writs out of the district courts of the said Twenty-ninth and Forty-second Districts of Texas; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency;' the same to be and is hereby amended so as to change, fix and arrange and extend the time of holding court in the Twenty-ninth Judicial District of Texas, composed of the counties of Palo Pinto, Hood, Somervell and Erath, and to repeal all laws and parts of laws in conflict herewith."

The bill was read third time and passed.

SENATE BILL NO. 16.

The Chair laid before the Senate, on second reading and regular order, Senate bill No. 16.

Senator Ward moved that the bill lay on the table subject to call, and that the bill be printed in full in the Journal today.

The motion was adopted, and following is the bill in full:

S. B. No. 16.

By Ward.

A BILL

To be entitled

An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business whatever, except interstate business, or to establishing or maintaining within this State a general or special office therefor, shall obtain from the Secretary of State and have a current permit to do business within this State, and making it a misdemeanor for any officer, agent, representative or employee of such corporation, in the name or on behalf of or for such corporation, to do any business whatever within this State, except interstate business, or to establish or maintain within this State any general or special office therefor, unless such corporation shall have first obtained and shall have from the Secretary of State a current permit to do business within this State; defining what foreign corporations may obtain such permit from the Secretary of State; prescribing the manner of obtaining such permit and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand whether arising out of contract or tort, unless at the time such contract shall be made or tort shall be committed, such corporation shall have obtained such permit; providing penalties and punishments for violations of provisions of this act and for the enforcement of such penalties and

punishments; providing procedure in such cases; providing that civil suits for the enforcement of any of the provisions of this act shall be brought by the Attorney General or by the district or county attorney of the county in which such suit may be brought under the direction of the Attorney General and fixing venue of such suits; prescribing rules of evidence relating to such permit, or certified copy thereof; repealing Chapter 17 of Title 21 of the Revised Statutes, and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fifth Legislature; making the provisions of this act cumulative of all existing laws, except such as are expressly repealed by this act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. With the exceptions and upon the conditions, and subject to the requirements, limitations and restrictions set forth in this act, any private corporation for profit, created or organized by or under the laws of any other State or of any Territory of the United States, or of any municipality of such State or Territory, or of any foreign government, sovereignty or municipality, desiring to do, within this State, any business whatever, except interstate business, or to establish therefor, within this State, a general or a special office, may obtain from the Secretary of State a permit to do business within this State.

Sec. 2. No permit shall be issued under the provisions of this act in any of the following instances, or under circumstances herein enumerated, to-wit:

1. To any foreign corporation which shall not have fully complied with all requirements of the laws of its domicile.

2. To any foreign corporation created or organized for the purpose of constructing, building, operating or maintaining any railway.

3. To any foreign corporation which may be required or whose agents within this State may be required, under then existing laws, to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State; provided, that nothing in this subdivision shall prevent any foreign corporation which has under its charter, or any amendment thereof, express or implied power to lend money,

from obtaining from the Secretary of State a permit authorizing it to lend money within this State.

Sec. 3. If any foreign corporation which shall be otherwise entitled to a permit under the provisions of this act shall have, under its charter, or any amendment thereof, more than one purpose or power, any permit which may be issued to such corporation shall be limited to the exercise by such corporation of only one such purpose or power within this State.

Sec. 4. Every application for such permit shall set forth facts showing such corporation to be entitled to such permit. Such application shall be signed by and shall be supported by the affidavit of the president or the vice president of such corporation and shall be attested by the signature of its secretary and the corporate seal of such corporation.

Such application shall also show:

1. The name of the corporation applying for such permit.

2. The name of the State or Territory of the United States, government, sovereignty or municipality by which the charter of such corporation was granted.

3. The home office of such corporation.

4. The purpose for which such permit is desired.

5. The principal place in the State of Texas in which the business of such corporation within this State is to be transacted.

6. The name and address of a resident of this State who shall be the agent for service of such corporation; and service of any and all process upon such agent for service shall be deemed and held to be service of such process upon such corporation.

7. The number, names and places of residence of the directors of such corporation.

8. The amount of authorized capital stock of such corporation.

9. The amount of capital stock of such corporation issued and outstanding.

10. The number of shares of the capital stock of such corporation, and the par value thereof.

11. The amount of capital stock of such corporation actually paid up.

Said application and a certified copy of the articles of incorporation of such corporation, and of any and all amendments thereof, shall be filed in the office of the Secretary of State before issuance of said permit.

Sec. 5. As a condition precedent to

the issuance by the Secretary of State of a permit to any foreign corporation authorizing it to do business within this State, the president, vice president, secretary, treasurer and two of the directors of such corporation shall make and subscribe an affidavit in writing, stating that such corporation is not a trust, or an organization in restraint of trade, or in violation of any of the laws of this State (and has not within twelve months next preceding the making of such affidavit become or been a party to any trust agreement of any kind or character whatsoever which would constitute a violation of any anti-trust law of the State of Texas, existing at the date of such affidavit, and has not within that time entered into or been in any wise a party to any such trust, agreement or to any organization or combination in restraint of trade within the United States of America, and that no officer of such corporation has, within the knowledge of such affiant, within twelve months next preceding the date of such affidavit, made on behalf of such corporation or for its benefit any such contract, or entered into or become or been a party to any such trust, agreement or organization or combination in restraint of trade).

Such affidavit in writing shall be personally subscribed and sworn to by each such affiant before some officer who is by law duly authorized to administer oaths, and the jurat of such officer shall be attested by his official signature and seal of office, and such affidavits in writing so attested shall be filed in the office of the Secretary of State before the issuance by him of such permit to such corporation.

Sec. 6. No permit shall be issued for a longer period than ten years from its date.

Sec. 7. Upon obtaining a permit under the provisions of this act, such foreign corporation shall have and enjoy all the rights and privileges conferred by the laws of this State on similar corporations organized under the laws of this State, and shall be authorized and empowered to hold, purchase, sell, mortgage and convey such real estate and personal estate as the lawful purposes of such corporation may require, and also to take, hold and convey such other properties, real, personal or mixed, as may be requisite for such corporation to acquire in order to obtain or secure the payment of any indebtedness or liability due, or which may become due, or owing to such corporation; provided, that if such corporation so ob-

taining a permit to do business within this State shall acquire any real estate under the powers conferred by this act, it shall alienate all real property so acquired by it not necessary for the lawful purposes of such corporation, within fifteen years from the time of acquisition thereof; and provided, further, that such corporation shall alienate all real estate acquired by it for the purposes of such corporation, within fifteen years from the expiration of the time for which such permit is extended or it is so authorized to do business within this State; and provided, further, that if such corporation shall cease to do business within this State it shall, within fifteen years thereafter, alienate all such real estate so acquired by it.

Sec. 8. Should any foreign corporation which may now have or which may obtain under the provisions of this act a permit to do business within this State desire at any time to withdraw from doing business within this State, it may surrender such permit to the Secretary of State, who shall thereupon mark or stamp such permit "Surrendered," dating and signing same officially, and shall endorse upon the record of such permit in his office the word "Surrendered" and the date of such surrender; and thereafter such corporation, upon complying with the provisions of this act, may secure a new permit to do business within this State.

Sec. 9. No corporation which is authorized by this act to obtain such permit shall maintain any suit or action, either legal or equitable, in any of the courts of this State upon any demand whether arising out of contract or tort, unless at the time such contract was made or tort committed such corporation had obtained and held a permit from the Secretary of State authorizing such corporation to do business within this State.

Sec. 10. It is hereby declared illegal for any foreign corporation which is authorized by this act to obtain from the Secretary of State a permit to do business within this State, or for any officer, agent, representative or employee of such corporation in the name or on behalf of or for such corporation to do any business within this State, except interstate business, or to establish or maintain within this State any general or special office therefor, unless such corporation shall have first obtained from the Secretary of State and shall hold a current permit authorizing such corporation to do business within this State; and such offending corporation,

its officers, agents and employes shall, by judicial decree, be restrained, enjoined and ousted from doing within this State any business whatever, except interstate business, and from establishing, having and maintaining within this State any general or special office therefor, and, if such corporation shall then have property within this State, a receiver shall be appointed to take charge of and dispose of all of its property and to wind up its affairs within this State under the orders of the court appointing such receiver.

Violation by any person of any of the provisions of this section shall constitute a misdemeanor, and, upon conviction thereof, the person so offending shall be punished by a fine of not less than \$100 and not more than \$1000; and such offender may be prosecuted separately for each day upon which such offense may be committed by him.

Sec. 11. Whenever any foreign corporation, which shall have under the provisions of this act a current permit to do business within this State, shall violate any of the provisions of any anti-trust law of this State, or of any other law of this state, violation of which, by a domestic corporation, would constitute grounds for a forfeiture of the charter of such domestic corporation, such permit shall be forfeited and cancelled by judicial decree, and such offending corporation, its officers, agents and employes shall be restrained, enjoined and ousted from doing within this State any business whatever, except interstate business, and from establishing, having and maintaining within this State any general or special office therefor, and if such corporation shall then have property within this State, a receiver shall be appointed to take charge of and dispose of all of its property and to wind up its affairs within this State under the orders of the court appointing such receiver.

Sec. 12. All civil suits to enforce any of the provisions of this act shall be brought by the Attorney General, or by the district attorney or county attorney of the county in which such suit may be brought, under the direction of the Attorney General; and venue of such suits is hereby conferred upon the proper courts of Travis county, concurrently with such courts of any and all other counties of this State within which any officer or agent of such foreign corporation may be found.

Sec. 13. Whenever any district court shall render against any such corporation any judgment of cancellation, or of

forfeiture, and cancellation, of its permit, the clerk of that court shall forthwith mail to the Secretary of State a certified copy of such judgment, and upon receiving same he shall endorse upon the record of issuance of such permit in his office the words "Judgment of Cancellation," or "Judgment of Forfeiture and Cancellation," as the case may be, and a designation of the court in which such judgment was rendered and the date of such judgment. In the event of an appeal from such judgment, by writ of error or otherwise, the clerk of the court from which appeal is taken shall as soon as such appeal shall be perfected, certify that fact to the Secretary of State, who shall thereupon endorse upon said record of issuance of such permit the word "Appealed," and the date upon which such appeal was perfected, as shown in such certificate from such clerk. When final disposition of said appeal shall be made the clerk of the court making such disposition thereof shall forthwith certify such disposition and the date thereof to the Secretary of State, who shall briefly note same, and the date of such final disposition thereof, upon such record of issuance of such permit.

Sec. 14. Any permit issued by the Secretary of State authorizing a foreign corporation to do business within this State or a duly certified copy thereof, issued by him, shall be evidence of compliance on the part of such corporation with the requirements of the laws of this State concerning application for an issuance of such permit; but such evidence shall not be conclusive upon the State of Texas in any suit which may be brought for cancellation, or for forfeiture and cancellation of such permit.

Nothing in this act shall in any manner affect any suit in the name of the State of Texas which may be pending when this act shall take effect.

Sec. 15. Chapter 17 of Title 21 of the Revised Statutes and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature of Texas, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fifth Legislature of Texas, and any and all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed.

The provisions of this act are and shall be held to be cumulative of all existing laws not expressly repealed by this act.

Sec. 16. The fact that many permits to do business within this State hereto-

fore issued by the Secretary of State to foreign corporations will expire in the immediate future, constitutes an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

SENATE BILL NO. 27.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 27, A bill to be entitled "An Act to amend an act creating an independent school district to be known as Corpus Christi Independent School District," etc.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Thomas.
Holsey.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Hudspeth.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Hume.
Alexander.	Kellie.
Brachfield.	Masterson
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Holsey.	Senter.

Stokes.
Thomas.
Ward.

Watson.
Weinert.
Willacy.

Absent.

Hudspeth.
Mayfield.
Meachum.
Sturgeon.

Terrell of Bowie.
Terrell of McLennan.
Veale.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 29.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 29, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas," etc.

On motion of Senator Watson, the bill was laid on the table subject to call.

SENATE BILL NO. 30.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 30, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas," etc.

On motion of Senator Watson, the bill was laid on the table subject to call.

HOUSE BILL NO. 17.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 17, A bill to be entitled "An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates," with engrossed rider.

Senator Murray moved that the bill lay on the table subject to call, and that the bill be printed in the Journal.

The motion was adopted and following is the bill in full:

H. B. No. 17. By Harman et al.

A BILL

To Be Entitled

An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature be amended so as to read hereafter as follows:

"Section 122. Teachers' diplomas conferred by the University of Texas upon students who have satisfactorily completed at least four full courses in the Department of Education in said university, and who have satisfied the requirements for the degree of Bachelor of Arts, shall have the force and effect of the permanent State certificates. Teachers' certificates granted by the University of Texas to students who have satisfactorily completed four full courses in the College of Arts and one full course in the Department of Education in said University, shall have the force and effect of first grade State certificates, and said certificates shall each be valid for a period of two years.

"The State Superintendent of Public Instruction may grant first grade State certificates to students who have satisfactorily completed four full academic courses and one full course in education in any institution ranked as first class by the State Superintendent of Public Instruction, upon the recommendation of the State Board of Examiners, and each certificate so issued shall be valid for a period of two years.

"Sec. 123. Any person who holds a diploma conferring on him the degree of Bachelor of Arts, or any equivalent bachelors' degree, or any higher academic degree, from any college or university of the first class, and who has completed four full courses in education, may receive from the State Superintendent of Public Instruction a permanent State certificate, which shall be valid anywhere in this State during good behavior; provided, that any person who holds a diploma conferring on him the degree of Bachelor of Arts, or any equivalent bachelor's degree, or any higher academic degree, from any college or university of the first class, who has not had four full courses in education, but who has taught three years in the State, may receive from the State Superintendent of Public Instruction a permanent State certificate, which shall be valid anywhere in this State during good behavior; provided, further, that any person who may hold a diploma conferring upon him the degree of Bachelor of Arts, or any equivalent bachelor's degree, or any higher

academic degree, from any college or university of the first class, shall, upon presentation of said diploma, be granted at once by the State Superintendent of Public Instruction a State teachers' certificate of the first grade valid anywhere in the State for a period of four years. The institutions to be recognized as colleges or universities of the first class shall be determined by the State Superintendent of Public Instruction upon the recommendation of the State Board of Examiners.

"Sec. 124. A city or town which has a scholastic population of 500 or more, and has become an independent school district, and which levies a local tax for educational purposes, or maintains a system of free schools for nine months in each year, and which has employed a superintendent of city schools, may have a city board of examiners. Said board of examiners shall in all cases consist of a city superintendent of the city schools, together with two other persons who shall be appointed by him, and who shall be teachers. The city board of examiners are hereby authorized to issue certificates valid only in the city in which they are issued. Such certificates shall be of two kinds, as follows: Temporary certificates, permanent certificates.

"Temporary and permanent certificates shall be of three classes for each kind, as follows: Temporary certificates shall be second grade, first grade and high school. Permanent certificates shall be primary, first grade and high school. A temporary city certificate shall be good for any period not exceeding four years, to be determined by the board of trustees of such city or town. A permanent city certificate shall be good during good behavior, and shall not be issued to any person who has not been engaged successfully in teaching in the schools of Texas for a period of at least three years. The further regulation of the issuance of such certificate shall be provided for by the board of trustees of such cities or towns; provided, that no city or town shall make the requirements for its temporary certificates inferior to the requirements prescribed by law for county or State certificates of the corresponding grades or the requirements for its permanent certificates less than those prescribed by law for permanent county or State certificates of corresponding grades. Nothing in this chapter shall interfere with the validity of outstanding certificates in such cities or towns, or prevent the extension of such certificates

upon such conditions as may be prescribed by the board of trustees regarding professional reading, attendance upon city institutes, and other means of professional growth. Cities and towns authorized by the provisions of this chapter to have a city board of examiners, may at the discretion of the superintendent of the city schools employ a teacher of any special branch not included in the requirements for a State certificate, without requiring an examination or a teachers' certificate; and nothing in this chapter shall prevent the board of trustees of any city or town from recognizing the certificates issued in any other such city or town in this State, and validating the same in the city or town so recognizing them."

Sec. 2. Owing to the shortage of teachers and the increasing demand that our colleges and universities of "the first class" be recognized to issue temporary and permanent certificates, and that city examining boards be permitted to issue second grade, first grade and high school certificates, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Engrossed rider:

Amend House bill No. 17 by striking out all after the word "behavior," in line 4, page 2, printed bill, and by inserting the following, to-wit: "No institution shall be recognized as a college or university of the first class, within the purview of this act, unless the same shall require as a prerequisite to graduation therefrom the completion of at least twenty full courses, each of which courses shall consist of at least three recitations, or class, or lecture hours per week for a period of at least eight calendar months in each year."

PERKINS,
NICKELS.

Committee amendments to House bill No. 17:

Amend the bill, page 3, Section 123, line 5, by striking out the word "provided," and all of the following lines down to and including the word "years," in line 17.

HOUSE BILL NO. 43.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 43, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Thomas.
Holsey.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Murray.	

Absent.

Hudspeth.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Thomas.
Holsey.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Murray.	

Absent.

Hudspeth.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 44.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 44, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.

Absent.

Hudspeth.	Terrell of McLennan
Mayfield.	Veale.
Meachum.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Thomas.
Holsey.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Hudspeth.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.
Sturgeon.	

Senator Watson moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Peeler, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives, Austin, Texas, April 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District; to provide for the election of trustees, the issuance of bonds, the repeal of the original independent school district for Amarillo, and creating an emergency."

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 5—HOUSE AMENDMENTS CONCURRED IN.

Senator Willacy called up

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906,

August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 5 by adding the following to the end of Section 1: "To pay the deficiencies in the per diem of members and officers and employes of the First Called Session of the Thirty-first Legislature, or so much thereof as may be necessary, \$4000."

Also amend caption by adding after the words "not registered" the following: "And other deficiencies."

The motion to concur prevailed by the following vote:

Yeas—21.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Sturgeon.
Cofer.	Terrell of McLennan.
Harper.	Thomas.
Hayter.	Ward.
Holsey.	Watson.
Kellie.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Greer.	Meachum.
Hudspeth.	Murray.
Hume.	Stokes.
Masterson.	Terrell of Bowie.
Mayfield.	Veale.

INVITATION TO ATTEND DEBATE.

Austin, Texas, April 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Dear Sir: The annual debate between the University of Texas and the University of Missouri will take place tonight in the University Auditorium. It is my pleasure to extend to you a cordial invitation to attend. The question for discussion will be the much agitated one of the initiative and referendum.

Will you kindly make it known to the other Senators that they will be very welcome also?

Very respectfully yours,

T. R. BOONE,

Secretary Debating Council.

On motion of Senator Senter, the invitation was accepted.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 13, "An Act to reorganize the Thirty-fifth Judicial District; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict therewith."

House bill No. 10, "An Act creating the Irving Independent School District in Dallas county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Senate bill No. 6, "An Act to authorize and permit the territory situated within the bounds of the town of Myra in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Terrell of McLennan, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORT.

Committee Room,

Austin, Texas, April 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 27, A bill to be entitled "An Act to amend an act creating an independent school district to be known as Corpus Christi Independent School District," etc.,

And find the same correctly engrossed.
WARD, Chairman.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, April 24, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Sturgeon. Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

EXCUSED.

On account of sickness:

Senator Hudspeth for Thursday and yesterday, on motion of Senator Terrell of Bowie.

BILLS AND RESOLUTIONS.

By Senator Cofer:

Senate bill No. 34, A bill to be entitled "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reor-

ganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth District, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Terrell of Bowie:

Senate bill No. 35, A bill to be entitled "An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Mayfield and Sturgeon:

Senate bill No. 36, A bill to be entitled "An Act to provide for the securing of deposits in banks and in trust companies; creating a State Banking Board; defining its powers and duties;

permitting said banking board to create a security fund for the purpose of securing depositors; placing said fund under the control, management and supervision of said board, and fixing the conditions and terms by which State banks and trust companies shall avail their depositors of the benefits of said fund; fixing the premiums to be paid for the creation of said depositors; security fund and the manner and time of the payment of such security fund as herein provided; authorizing certain advertising privileges to such banks and trust companies that avail themselves of the provisions of this act; creating the depositors security fund and prescribing the duties of said banking board and providing a penalty for violations of this act, also providing for the securing of deposits in banks and trust companies by filing a bond with the Commissioner of Banking and providing that all State banks and trust companies organized, or hereafter to be organized, shall avail their depositors of the protection provided for this act, making it elective for the State banks and trust companies to secure their depositors by availing themselves of the depositors security fund, or by filing the bond as provided in this act, and providing that all National banks in this State may, if they desire, at their option voluntarily avail their depositors of the protection afforded by this act; and providing penalties for the violation of any of the provisions of this act."

Read first time, and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 26, "An Act to amend Chapter 17 of the General Laws, passed by the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to create the Fifty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche; to provide for the present district judge of the Forty-seventh District acting as judge of the Fifty-second District until the next general election; and to provide for the appointment of a district attorney for the

Fifty-second Judicial District; to amend Section 2, Chapter 51 of the Acts of the Twenty-fifth Legislature, approved April 3, A. D. 1897; reorganizing the Forty-second Judicial District of Texas, to amend Section 29, Article 22, Title 4 of the Revised Statutes of 1895 of Texas, by reorganizing the Twenty-ninth Judicial District; to amend an act entitled 'An Act to change and fix the terms of holding court in the Thirty-ninth Judicial District of the State of Texas,' passed by the Twenty-sixth Legislature, and approved May 9, 1899, to provide for the appointment of a judge of the Forty-second District; to fix the time of holding court in all the above named districts; to validate all writs and other processes heretofore issued out of the district courts of the said Twenty-ninth and Forty-second Districts of Texas; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency'; the same to be and is hereby amended so as to change, fix and arrange and extend the time of holding court in the Twenty-ninth Judicial District of Texas, composed of the counties of Palo Pinto, Hood, Somervell and Erath, and to repeal all laws and parts of laws in conflict herewith."

Senate bill No. 5, "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency."

Senate bill No. 10, "An Act to incorporate the Amarillo Independent School District; to provide for the election of trustees; the issuance of bonds; the repeal of the original independent school district for Amarillo; and declaring an emergency."

House bill No. 44, "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas."

House bill No. 43, "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas."

ADJOURNMENT.

Senator Alexander moved that the Senate recess until 4 o'clock today.

Senator Murray moved that the Senate adjourn until 10 o'clock Monday morning.

Action being on the longest time first, the motion to adjourn until Monday morning at 10 o'clock was adopted by the following vote:

Yeas—12.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kellie.	Senter.
Masterson.	Watson.
Murray.	Weinert.

Nays—10.

Alexander.	Holsey.
Bryan.	Mayfield.
Cofer.	Perkins.
Harper.	Terrell of Bowie.
Hayter.	Ward.

Absent.

Brachfield.	Terrell of McLennan.
Greer.	Thomas.
Meachum.	Veale.
Stokes.	Willacy.
Sturgeon.	

APPENDIX.

PETITIONS AND MEMORIALS.

The Chair had the following read to the Senate:

Mt. Pleasant, Texas, April 21, 1909.

Hon. A. B. Davidson, President of the Senate, Austin, Texas.

Dear Sir: We certainly want to enter our protest against any guarantee law like the Cureton bank guarantee law proposed.

I honestly and sincerely believe that it would be well to let the guarantee measure alone for this time, and give more time for investigation.

I could, I know, get up a petition and get a number of signers, but enough it seems to me has already been done along this line to convince the Legislature that the thinking business people who have deposits are pretty well all against the Cureton plan, when they have studied it properly. (I expect there are some exceptions occasionally.)

What per cent of bankers and depositors do you think favor any kind of guarantee?

What per cent of these do you think favor the bill for personal reasons? Do you suppose any people in Texas would like to have the State banks take precedence over the National banks?

Inasmuch as millions of Texas people's money is tied up in National bank stock, do you argue with some that the National bankers, shareholders of National bank ought to have nothing to say, even when a law is proposed which is clearly a discrimination against their interests?

But you have had arguments—perhaps too much—until you are tired of it, but we want you to know that we do not want the Cureton bill nor anything like it, and we would appreciate having the guarantee matter dismissed altogether if at all consistent with the views of your honorable body. Very much oblige,

W. H. SEAY.

There are hundreds and thousands like me, all of our shareholders, so far as I know.—W. H. S.

Stamford, Texas, April 20, 1909.

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas:

We, the undersigned business men and farmers, citizens of Jones county, Texas, most heartily commend your action and that of the seventeen Senators who have stood for the Hume-Senter bill, which fixes responsibility on stockholders of banks, where it should be. We respectfully urge that you use all efforts to sustain your position in the matter.

Numerously signed.

Denison, Texas, April 20, 1909.

To the Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas:

We commend and approve the attitude of the Senators supporting the Hume-Senter bill, and hope they will stand firm for its passage, believing as we do that its provisions are just and equitable and that it amply provides for the security of bank deposits.

Numerously signed.

Colorado, Texas, April 20, 1909.

To Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas, Senate Chamber, State Senate.

Dear Sir: We, the undersigned citizens and business men of Colorado, in Mitchell county, desire to say that we favor the guaranty of bank deposits bill offered by Senators Senter and Hume,

and known as the Senter-Hume substitute, as a more satisfactory solution of the subject of guaranty of deposits yet offered in either the Senate or House, and trust that the seventeen Senators who voted for this bill will not recede from their position in the support of a weaker measure.

Numerously signed.

By Senator Ward:

To the Legislature of Texas:

As citizens and taxpayers of Texas and as Texas depositors loyal to her interests and earnest in the purpose that her legislation should be both wise and efficient, we earnestly desire the passage of the Cureton-Mobley bank guaranty bill now pending before your honorable body.

We, as depositors, deeply appreciate the principles of protection therein contained and congratulate the House of Representatives in demonstrating their fidelity to the people in indorsing this measure by such a splendid majority.

The absolute protection offered the depositors by the Cureton-Mobley bank guaranty bill and the effectiveness of such a law to accomplish security for bank deposits removes any pretext for the enactment of a law guaranteeing deposits by individual security or indemnity.

We recognize the insecurity of individual guarantee; and sincerely hope that the Senate will not force the people of Texas to accept a subterfuge indemnifying by granting them the privilege of litigation in order to secure the protection to which they are justly entitled.

Numerously signed.

By Senator Senter:

Lancaster, Texas, April 20, 1909.

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas.

Dear Sir: We, the following qualified Democratic voters of this community desire through you to express our commendation and endorsement of the action taken by Hon. E. G. Senter and the other sixteen Senators in opposing the Cureton bank guaranty bill, which bill was recently presented to your honorable body for passage.

We do not oppose a bank guaranty law that will impose the liability of same on the officers, directors and stockholders of the individual bank where it belongs, but we know of no principle in law or equity that can ask one man or commercial business to enter into copartnership with every other

business of his kind to guarantee his liabilities when he has no voice in the management of his affairs or share in his profit.

We think the principles set forth in the Cureton bank guaranty bill are socialistic, populist and unjust, and is void of the least appearance of sound Democratic principles.

Numerously signed.

By Senator Weinert:

Martindale, Texas, April 22, 1909.

Hon. F. C. Weinert, Austin, Texas.

Dear Sir: I want to write and tell you I admire the stand you have taken in regard to the guarantee of bank deposits, and while our bank is a private institution and this guarantee would not affect us, at the same time I think it is one of the most radical pieces of legislation that could be enacted.

I believe when one's Senator or Representative does a good act as you have done their constituents' duty is 'o write and tell them they admire their course.

Yours very truly,

J. B. MARTINDALE.

The Chair had the following read:

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas.

Dear Sir: At a public meeting of the Business Men's Club of Yorktown, Texas, the following resolutions were adopted, to-wit:

Whereas, The Legislature of the State of Texas is now in session to enact just and equitable laws; and,

Whereas, It seems as there are two factions in the representative legislative body, one conservative and one radical in principle; therefore, be it

Resolved, That we heartily agree with the conservative element of our lawmakers and especially endorse your public utterance; and be it further

Resolved, That we admire the firm stand the conservative element of the Senate has taken to uphold their convictions in the face of oratorical display of the outside big political guns, which influences are evidently the cause of these extra sessions of the Legislature and increasing the expenses to the taxpayers of the State; and be it further

Resolved, That we are not opposed to equitable and just laws that would be fair to the general welfare of the public, but we are opposed to further banking legislation, and especially so to the Cureton bank bill; same is impracticable to our minds and fully be-

lieve that 90 per cent of the people are opposed to same.

Kindly read to the Senate.

We are very respectfully yours,

Signed—J. W. Hoff, R. H. Eckhardt, Gus J. Nau, C. L. Striber, E. T. Clark, Charles Mertins, R. McBain, M. H. Jacob, W. H. Dunn, B. L. Hausmann, J. C. Wise, R. Jersig, H. F. Junker.

A true and accurate copy,

R. C. FECHNER.

By Senator Hume:

Midlothian, Texas, April 23, 1909.

Senator Hume, Austin:

Oppose Cureton guarantee bill; this message not dictated by Adams.

FARMERS STATE BANK.

NINTH DAY.

Senate Chamber,

Austin, Texas,

Monday, April 26, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Sturgeon.

Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Veale:

Senate bill No. 37, A bill to be entitled "An Act to amend Section 7, Chapter 55, page 509, Special Laws of the Regu-

lar Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1907, entitled 'An Act creating and incorporating Lubbock Independent School Listric, in Lubbock county, Texas,' etc.

Read first time, and referred to Committee on Educational Affairs.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 58, A bill to be entitled "An Act to amend the city charter of the city of Greenville and the acts amendatory of said city charter of the city of Greenville, and to amend an act to amend said charter, approved the 22d day of March, 1909, by amending Section 1 of Article 3, Section 13a of Article 8 and Subdivision 18 of Section 15 of Article 8, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk Penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of

redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for captions of):

House bill No. 58, referred to Committee on Towns and City Corporations.

House bill No. 5, referred to Committee on Internal Improvements.

SIMPLE RESOLUTION.

By Senator Holsey:

Whereas, The Waters-Pierce Oil Company paid into the State Treasury, on Saturday, April 24th, A. D. 1909, the sum of one million eight hundred and eight thousand four hundred eighty-three dollars and thirty cents in cash as a penalty for the violation of the anti-trust laws of Texas, and

Whereas, This noted case was a great legal victory and has taught one of the most gigantic trusts of America that the rights of the people must be preserved, and the laws of Texas must and shall be obeyed, and

Whereas, This case was begun in the District Court of Travis county and was carried by the Attorney General and his assistants through all the courts to the Supreme Court of the United States, and

Whereas, It is the greatest fine that was ever collected in the world and the grandest legal victory ever obtained, therefore be it

Resolved, That this Senate, as representatives of the people of all parts of Texas, extend our thanks to Attorney General R. V. Davidson, Hon. Jewel P. Lightfoot, and the entire Attorney General's department for their faithful and efficient service rendered the people of Texas.

HOLSEY,
MAYFIELD.

Senator Peeler offered the following amendment to the resolution:

Amend by adding: "Messrs. Jno. W. Brady, Gregory & Batts, and Allen & Hart."

Senator Cofer offered the following amendment to the amendment:

Amend the resolution further by adding after the other individuals thanked the following:

"And also extend our thanks to the twelve jurymen, to the Hon. Victor L. Brooks, the trial district judge; the Honorable Court of Civil Appeals, the Honorable Supreme Court of Texas, the Honorable Supreme Court of the United States, Mr. J. P. Gruett, the prosecuting witness; the State of Missouri, and every other section of the country and every citizen of the United States who has contributed to this great victory."

COFER,
HUME,
BRACHFIELD,
BRYAN.

The amendment to the amendment was adopted by the following vote:

Yeas—17.

Adams.	Masterson.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	

Nays—8.

Greer.	Real.
Holsey.	Stokes.
Mayfield.	Thomas.
Peeler.	Veale.

Present—Not Voting.

Senter.

Absent.

Harper.	Weinert.
Murray.	Willacy.
Sturgeon.	

Senator Alexander offered the following amendment to the amendment:

Amend the amendment to the resolution by adding the following: "And, provided further, that the thanks of this Senate are especially extended to Senator Joseph W. Bailey for his watchfulness over the interests of the people in first calling attention to the fact

that the law did not allow 25 per cent of the people's money, when collected, to be paid as attorney's and witness fees, thereby saving the State \$300,000."

PAULUS,
WARD,
BRYAN,
HAYTER,
COFER,
WATSON,
HARPER,
KELLIE,
HUME,
WILLACY,
ALEXANDER,
PERKINS,
HUDSPETH,
TERRELL of McLennan,
TERRELL of Bowie,
ADAMS,
BRACHFIELD.

Senator Holsey moved to table the amendment to the amendment, which motion to table was lost by the following vote:

Yeas—8.

Greer.	Real.
Holsey.	Stokes.
Mayfield.	Thomas.
Peeler.	Veale.

Nays—18.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Present—Not Voting.

Senter.

Absent.

Harper.	Sturgeon.
Hayter.	Weinert.

REASONS FOR VOTE.

I vote to table the amendment to the amendment offered by the Senator from Parker and associates, and vote "nay" on the adoption of the said amendment for the reason that in my judgment Senator Bailey did not in any manner encourage, aid, assist or sanction the efforts of the Attorney General's department in the collection of the fine assessed against the Waters-

Pierce Oil Company, the only matter before the Senate under the resolution offered by the Senator from Navarro.

VEALE.

Senator Hume moved the previous question on the amendment to the amendment, which motion being duly seconded, was so ordered.

Action then recurred on the amendment to the amendment, which was adopted by the following vote:

Yeas—19.

Adams.	Masterson.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Ward.
Hudspeth.	Watson.
Hume.	Willacy.
Kellie.	

Nays—8.

Greer.	Real.
Holsey.	Stokes.
Mayfield.	Thomas.
Peeler.	Veale.

Present—Not Voting.

Murray.	Senter.
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Absent.

Sturgeon.	Weinert.
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Senator Mayfield offered the following amendment to the amendment, as amended.

Amend the amendment by adding the following: "And, Hon. C. K. Bell of Fort Worth, Texas, who assisted Senator Meachum in writing the anti-trust law and Lieutenant Governor Davidson who introduced the anti-trust bill in the Senate and secured its adoption by the Senate."

(Pending consideration of the above, Senator Brachfield was called to the chair.)

The amendment to the amendment was adopted.

Senator Alexander moved the previous question on the amendment, as amended, which motion being duly seconded, was so ordered.

The amendment, as amended, was then adopted by the following vote:

Yeas—18.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Paulus.
Harper.	Perkins.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Nays—7.

Holsey.	Stokes.
Mayfield.	Thomas.
Peeler.	Veale.
Real.	

Present—Not Voting.

Greer.	Murray.
Meachum.	Senter.

Absent.

Sturgeon.	Weinert.
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Senator Stokes offered the following amendment to the resolution:

Amend the resolution by adding thereto the following: "The thanks of this Senate and of the people of Texas are furthermore hereby tendered to said Joseph W. Bailey for aiding the Waters Pierce Oil Company in again obtaining a foothold in this State, whereby said oil company has filched from the pockets of its people many millions of dollars."

Senator Cofer made the point of order that the above amendment was not germane to the resolution.

The Chair (Senator Brachfield) sustained the point of order.

Senator Watson offered the following amendment to the resolution:

Amend the resolution by adding the following: "We also thank the Hon. Jewel P. Lightfoot for his draft of the bill, which was introduced in this Senate, and which had for its purpose the looting of the fund collected to the extent of about \$90,000 by providing that said sum should be paid to the county attorney of Travis county and his associates for services rendered in said cause, when all such services had already been performed, and which bill was intended for the one purpose of making a present to said attorneys for past and future political services rendered and to be rendered. We also thank said Jewel P. Lightfoot for not making an effort to get any more of the people's money for political pets. We believe that the people of Texas are very fortunate in getting any of this money into the State Treasury, for a few more bills of this character, if

he had been able to have gotten them through the Legislature, would have taken the whole amount and put it in the pockets of the political friends of the Attorney General and his great trust-busting assistant, J. P. Lightfoot.

"Be it further resolved, That the authors of the said bill are hereby relieved from any responsibility for said bill, as the said 'Jewel' failed to disclose the purpose of the bill when he induced them to introduce the same. We further believe that one more 'pair' of such statesmen in the Attorney General's department would be the 'limit,' and we would then be on the high road to hell according to law.

"Resolved further, That the thanks of the Senate be tendered, if due, to the Attorney General's department for filing suit against the Harvester trust, and accepting a nominal fine and permitting the reorganization of the concern by the same people who operated and conducted before the suit was filed.

"And if the 25 per cent of said fines which was retained as an attorney's fee has been caused to be paid back into the State Treasury, the grateful thanks of the Senate be extended on this account."

Senator Mayfield made a point of order that the amendment was not germane to the resolution.

The Chair (Senator Brachfield) sustained the point of order.

Action then recurred on the resolution, as amended.

Senator Veale moved to table same.

(Lieutenant Governor Davidson in the chair.)

Action then recurred on the motion to table, and same was lost by the following vote:

Yeas—11.

Brachfield.	Peeler.
Holsey.	Real.
Masterson.	Thomas.
Mayfield.	Veale.
Meachum.	Willacy.
Murray.	

Nays—15.

Adams.	Kellie.
Alexander.	Paulus.
Bryan.	Perkins.
Cofer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Ward.
Hudspeth.	Watson.
Hume.	

Present—Not Voting.

Senter.

Absent.

Greer.
Stokes.Sturgeon.
Weinert.

Senator Brachfield offered the following amendment:

Amend by adding at the end of the last line the following: "And be it further resolved, That the thanks of the Senate be extended to the State Treasurer for receiving the money and all other officials who are doing, and have done, their duties in their respective official positions."

BRACHFIELD,
PERKINS,
BRYAN,
COFER.

Senator Terrell of Bowie moved the previous question on the amendment and the resolution, which motion being duly seconded, was so ordered.

The amendment was adopted by the following vote:

Yeas—20.

Adams.	Masterson.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Perkins.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.

Nays—6.

Holsey.	Real.
Mayfield.	Thomas.
Peeler.	Veale.

Present—Not Voting.

Senter.

Absent.

Greer.	Sturgeon.
Stokes.	Weinert.

The resolution was then adopted by the following vote:

Yeas—17.

Adams.	Cofer.
Alexander.	Harper.
Brachfield.	Hayter.
Bryan.	Hudspeth.

Hume.
Kellie.
Murray.
Paulus.
Perkins.

Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.

Nays—9.

Holsey.	Real.
Masterson.	Thomas.
Mayfield.	Veale.
Meachum.	Willacy.
Peeler.	

Present—Not Voting.

Senter.

Absent.

Greer.	Sturgeon.
Stokes.	Weinert.

Senator Terrell of Bowie moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

On the adoption of this resolution as amended, I vote "no" for the following reasons:

1. The people of Texas fully appreciate the services of all officials in any manner connected with the collection of the fine in question, and I regard it as a matter with which the Senate has no concern.

2. The resolution as amended thanks Senator J. W. Bailey for his services in calling the attention of the courts to the fee bill question; I cannot concur in a proposition so palpably absurd.

VEALE.

During my canvass for State Senator, I promised the people of the Twentieth Senatorial District, if elected, I would vote against any resolution that might be offered praising Senator Bailey and that I would likewise vote against any resolution censuring him. I shall fulfill my promise and accordingly vote "yea" to table the amendment praising Senator Bailey, offered by Senator Alexander, and "no" on the adoption of the amendment as amended by Senator Alexander, and "yea" to table the resolution as amended and "no" against the final passage of the amended resolution. I was the author of the amendment to the original resolution thanking Messrs. John W. Brady, Gregory & Batts, and

Allen & Hart for valuable services rendered in the prosecution of the Waters-Pierce Oil Company, and regret that Senator Alexander's amendment as adopted, forced me to vote against it.

PEELER.

We vote "nay" on the adoption of the resolution, together with the amendments, because said amendments really destroy the intent and purpose of the bill. We would cheerfully have voted for the adoption of the original resolution thanking the Attorney General's Department for the great victory won for the State against the Waters-Pierce Oil Company, but we are not willing to thank men to whom the people of Texas owe little appreciation on account of their fandistand connection with this suit against one of the most powerful trusts that have for years ignored our laws and have trampled upon the rights and liberties of the American people.

THOMAS,
HOLSEY.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, April 24, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointment:

Dr. W. M. Brumby, of Harris county, to be State Health Officer and ex-officio President of the Texas State Board of Health.

T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Hume moved that the Senate go into Executive Session at once to consider the above appointment.

The motion was adopted by the following vote:

Yeas—26.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kellie.
Bryan.	Masterson.
Cofer.	Mayfield.
Harper.	Meachum.
Hayter.	Murray.
Holsey.	Paulus.

Peeler.	Thomas.
Perkins.	Veale.
Real.	Ward.
Senter.	Watson.
Terrell of McLennan.	Willacy.

Absent.

Greer.	Terrell of Bowie.
Stokes.	Weinert.
Sturgeon.	

In accordance with the above motion, the Senate immediately went into Executive Session.

In Executive Session the following confirmation was made:

Dr. W. M. Brumby, to be State Health Officer and ex-officio President of the Texas State Board of Health.

IN THE SENATE.

There being no other business, the Chair declared the morning call concluded.

HOUSE BILL NO. 58.

Senator Perkins called up House bill No. 58, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The roll was called on the motion, but no quorum was present, following being the vote:

Yeas—20.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Terrell of Bowie.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Willacy.

Absent.

Greer.	Stokes.
Kellie.	Sturgeon.
Masterson.	Terrell of McLennan.
Murray.	Thomas.
Paulus.	Weinert.
Senter.	

RECESS.

On motion of Senator Hayter, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 58.

Action recurred on the motion by Senator Perkins to suspend the constitutional rule requiring bills to be read on three several days, and place House bill No. 58 on its second reading.

The motion was adopted by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Willacy.
Masterson.	

Absent.

Cofer.	Senter.
Kellie.	Stokes.
Murray.	Sturgeon.
Paulus.	Thomas.
Real.	Weinert.

On motion of Senator Perkins, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—22.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Willacy.

Absent.

Kellie.	Stokes.
Murray.	Sturgeon.
Paulus.	Thomas.
Real.	Weinert.
Senter.	

The Chair laid before the Senate, on second reading,

House bill No. 58, amendment to Greenville city charter.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Willacy.
Masterson.	

Absent.

Kellie.	Stokes.
Paulus.	Sturgeon.
Real.	Thomas.
Senter.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Willacy.
Masterson.	

Absent.

Kellie.	Stokes.
Paulus.	Sturgeon.
Real.	Thomas.
Senter.	Weinert.

Senator Perkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 37.

Senator Veale called up Senate bill No. 37, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was adopted by the following vote:

Yeas—22.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Willacy.

Nays—1.

Watson.

Absent.

Kellie.	Stokes.
Paulus.	Sturgeon.
Real.	Thomas.
Senter.	Weinert.

On motion of Senator Veale, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Willacy.

Absent.

Kellie.	Sturgeon.
Paulus.	Thomas.
Senter.	Weinert.
Stokes.	

The Chair laid before the Senate, on second reading,
Senate bill No. 37, Lubbock Independ-

ent School District. (See Bills and Resolutions for caption.)

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent.

Harper.	Stokes.
Kellie.	Sturgeon.
Paulus.	Thomas.
Senter.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Willacy.

Absent.

Harper.	Stokes.
Kellie.	Sturgeon.
Murray.	Thomas.
Paulus.	Weinert.
Senter.	

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE BILL NO. 16.

Senator Ward called up from the table Senate bill No. 16.

The Chair laid before the Senate, on second reading,

Senate bill No. 16, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate or authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business whatever, except interstate business, or to establishing or maintaining within this State a general or special office therefor, shall obtain from the Secretary of State and have a current permit to do business within this State, and making it a misdemeanor for any officer, agent, representative or employe of such corporation, in the name or on behalf of or for such corporation, to do any business whatever within this State, except interstate business, or to establish or maintain within this State any general or special office therefor, unless such corporation shall have first obtained and shall have from the Secretary of State a current permit to do business within this State; defining what foreign corporations may obtain such permit from the Secretary of State; prescribing the manner of obtaining such permit and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand whether arising out of contract or tort, unless at the time such contract shall be made or tort shall be committed, such corporation shall have obtained such permit; providing penalties and punishments for violations of provisions of this act and for the enforcement of such penalties and punishments; providing procedure in such cases; providing that civil suits for the enforcement of any of the provisions of this act shall be brought by the Attorney General or by the district or county attorney of the county in which such suit may be brought under the direction of the Attorney General and fixing venue of such suits; prescribing rules of evidence relating to such permit, or certified copy thereof; repealing Chapter 17 of Title 21 of the Re-

vised Statutes, and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fifth Legislature; making the provisions of this act cumulative of all existing laws, except such as are expressly repealed by this act; and declaring an emergency."

The committee report, with an amendment, and that the bill be not printed, was read and lost.

Senator Cofer moved to rescind the vote by which the Senate refused to adopt the committee report.

The motion to rescind was adopted by the following vote:

Yeas—17.

Adamq.	Meachum.
Alexander.	Peeler
Bryan.	Real.
Cofer.	Stokes.
Greer.	Thomas.
Hayter.	Veale.
Holsey.	Ward.
Kellie.	Willacy.
Mayfield.	

Nays—5.

Brachfield.	Perkins.
Hudspeth.	Terrell of Bowie.
Masterson.	

Absent.

Harper.	Sturgeon.
Hume.	Terrell of McLennan.
Murray.	Watson.
Paulus.	Weinert.
Senter.	

Action recurred on the motion to adopt the committee report, with an amendment, and that the bill be not printed.

Pending discussion, Senator Ward moved to postpone further consideration of the bill and make same a special order for tomorrow morning at the conclusion of the morning call.

The motion was adopted by the following vote:

Yeas—17.

Adams.	Peeler.
Alexander.	Real.
Bryan.	Stokes.
Cofer.	Terrell of McLennan.
Greer.	Thomas.
Hayter.	Veale.
Holsey.	Ward.
Masterson.	Willacy.
Mayfield.	

Nays—7.

Brachfield.
Hudspeth.
Kellie.
Meachum.

Perkins.
Terrell of Bowie.
Watson.

Absent.

Harper.
Hume.
Murray.
Paulus.

Senter.
Sturgeon.
Weinert.

HOUSE BILL NO. 17.

Senator Alexander called up House bill No. 17, which was on the table subject to call.

The Chair laid before the Senate, on second reading,

House bill No. 17, A bill to be entitled "An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates."

Action recurred on the committee report, with an amendment, and that the bill be not printed.

The committee report was adopted by the following vote:

Yeas—12.

Alexander.
Cofer.
Greer.
Hayter.
Masterson.
Mayfield.

Meachum.
Peeler.
Perkins.
Real.
Thomas.
Ward.

Nays—10.

Adams.
Brachfield.
Holsey.
Hudspeth.
Hume.

Kellie.
Terrell of Bowie.
Veale.
Watson.
Willacy.

Absent.

Bryan.
Harper.
Murray.
Paulus.
Senter.

Stokes.
Sturgeon.
Terrell of McLennan
Weinert.

The bill was read, and Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by adding to Section 124 the following: "Provided, nothing in this act shall be held to repeal or interfere with any law now in force in this State, regulating the granting and extension of teachers' certificates issued

or to be issued by county boards of examiners or the State Board of Education on certifications and examination papers sent up to said State Board of Education by such county board of examiners.

Senator Alexander offered the following amendment:

Amend the bill, page 4, line 5, by inserting after the word "teachers" the following words: "And the superintendent shall not be subject to examination."

WILLACY,
ALEXANDER.

The amendment was adopted by the following vote:

Yeas—19.

Adams.
Alexander.
Bryan.
Greer.
Harper.
Hayter.
Hudspeth.
Hume.
Kellie.
Masterson.

Mayfield.
Meachum.
Peeler.
Perkins.
Real.
Terrell of McLennan.
Ward.
Watson.
Willacy.

Nays—5.

Brachfield.
Cofer.
Holsey.

Terrell of Bowie.
Thomas.

Present—Not Voting.

Murray.

Absent.

Paulus.
Senter.
Stokes.

Sturgeon.
Veale.
Weinert.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the engrossed rider.

ALEXANDER,
MURRAY.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill at the end of line 20, page 2 of engrossed bill, after the word "education" by adding the following: "And pedagogy."

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "education," in line 8, page 2 of the engrossed bill, the following: "And pedagogy."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend Section 124 by striking out the word "nine" and insert in lieu thereof the word "eight."

Bill read second time, and passed to a third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days, was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Masterson.
Alexander.	Mayfield.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Willacy.
Kellie.	

Nays—2.

Thomas.	Watson.
	Absent.
Brachfield.	Stokes.
Meachum.	Sturgeon.
Paulus.	Veale.
Senter.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—18.

Adams.	Masterson.
Alexander.	Mayfield.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Willacy.

Nays—6.

Holsey.	Thomas.
Hume.	Veale.
Terrell of Bowie.	Watson.
	Absent.
Brachfield.	Stokes.
Meachum.	Sturgeon.
Paulus.	Weinert.
Senter.	

Senator Alexander moved to recon-

sider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 34.

Senator Cofer called up Senate bill No. 34, and on his motion the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23.

Adams.	Mayfield.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Masterson.	

Absent.

Brachfield.	Senter.
Meachum.	Stokes.
Paulus.	Sturgeon.
Real.	Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 34, A bill to be entitled "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the

Fifty-ninth Judicial District of Texas, and declaring an emergency," changing the time of holding court in the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth District, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read, and Senator Perkins offered the following substitute for the bill, which was adopted:

Amend the bill by striking out all after the word "bill" in line 1 of the caption, and insert in lieu thereof the following:

An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled:

"An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court, and empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial District in Grayson county to transfer cases from their respective courts to the other of said courts; and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas; and declaring an emergency," changing the time of holding court in the Fifty-ninth Judicial District, empowering the judge of the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county, in his discretion; adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

That Sections 3 and 6 of Chapter 3, Act of the Twenty-eighth Legislature be so amended as to hereafter read as follows:

Section 3. The Fifty-ninth Judicial District shall be composed of the counties of Collin and Grayson, and the district court shall be held therein as follows:

Beginning in Grayson county on the first Monday in December and continuing until and including the Saturday before the first Monday in February.

Beginning in Collin county on the first Monday in February and continuing until and including the Saturday before the first Monday in April.

Beginning in Grayson county on the first Monday in April and continuing until and including the Saturday before the third Monday in May.

Beginning in Collin county on the third Monday in May and continuing until and including Saturday before the third Monday in July.

Beginning in Grayson county on the first Monday in August and continuing until and including Saturday before the third Monday in September.

Beginning in Collin county on the third Monday in September and continuing up to and including the last Saturday before the first Monday in December.

Sec. 6. The district court of the Fifteenth Judicial District and the district court of the Fifty-ninth Judicial District in the county of Grayson, shall have concurrent jurisdiction with each other throughout the limits of Grayson county, of all matters, civil and criminal, of which jurisdiction is given to the district courts by the Constitution and laws of the State; provided that the judge of the Fifteenth Judicial District shall never empanel the grand jury in Grayson county, except that when in the discretion of said court it is deemed by him proper so to do, he may draw and empanel such grand jury for any term of his court as provided by law for other district courts for empanelling grand juries.

Sec. 8a. The provisions of Section 8, of said Chapter 3, Acts of the Twenty-eighth Legislature, shall apply to the terms of the Fifteenth and Fifty-ninth Judicial Districts as changed by the provisions of this act.

Sec. 10. The conflict of jurisdiction between terms of the district courts in Grayson county and the inconvenient terms fixed for the county of Collin creates an emergency and an imperative

public necessity requiring that the constitutional rule requiring bills to be read on three separate days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Brachfield.	Senter.
Harper.	Stokes.
Holsey.	Sturgeon.
Meachum.	Weinert.
Paulus.	

The bill was read third time and passed by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Willacy.
Masterson.	

Absent.

Brachfield.	Senter.
Harper.	Stokes.
Meachum.	Sturgeon.
Paulus.	Watson.
Real.	Weinert.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Terrell of McLennan, the Senate adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship," etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Meachum, Chairman; Hume, Peeler, Ward, Cofer, Veale, Masterson.

That part of the committee report providing that the bill be printed in the Journal was adopted.

Following is the bill in full:

S. B. No. 18. By Peeler and Watson.

A BILL

To Be Entitled

An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any two or more surety companies authorized to transact busi-

ness in this State, or their agents therein, may form an association for the purpose of reducing losses, gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship; and such association and such companies and their agents may establish and maintain rates so ascertained and made; provided, that said rates are not unreasonable or excessive and do not exceed the rates that are now or may hereafter be established by law for any class of suretyship; and may also adopt means to prevent discriminations and rebates on the part of any company represented therein, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, guardians, executors, administrators and other fiduciaries of whatsoever kind, and of others for whom surety companies may become sureties; provided, that all rates shall before the same become effective under this act, be submitted to the Commissioner of Insurance and Banking and shall be by him approved as conforming to the requirements of this act.

Sec. 2. No such surety company shall make or permit any discriminations or favoritism between those of the same class for whom it shall issue its obligations, nor shall it, nor any of its agents, pay or allow, directly or indirectly, as an inducement to suretyship, any rebate of the premium payable for such suretyship, or any special favor or advantage to accrue thereon.

Sec. 3. Any such surety company, or agent thereof, who shall violate any of the provisions of the preceding section shall forfeit and pay a sum not exceeding \$100 for each and every violation thereof, to be recovered in an action in the name of the State.

Sec. 4. The fact that there is now no law authorizing the organization of the association provided for in this act, and the crowded condition of the calendar, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, April 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9n of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner,'" etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Hudspeth, Chairman; Watson, Alexander, Greer, Murray, Senter.

That part of the committee report providing for the printing the bill in the Journal was adopted.

Following is the bill in full:

Senate Bill No. 12. By Hudspeth.

A BILL

To Be Entitled

An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled, "An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game, and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof;" prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and comptroller.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 4, 8 and 10, of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled:

"An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,"

Be and the same are hereby amended so as to hereafter read as follows, and that Section 9 of the same chapter be and the same is hereby repealed.

Sec. 2. That Section 4 shall hereafter read as follows:

"Sec. 4. Said Commissioner, at the close of each calendar month, shall file with the Comptroller a report in writing and detail stating the service performed by him during the last preceding month, including a detailed statement of the suits commenced at his instance, and the disposition made of same, all fines, licenses and other fees collected, their disposition, and shall pay over to the State Treasurer all moneys so received, to be credited to the special fund herein provided for, and any other particulars he may deem proper. All fines collected from persons in the county or district courts of this State, charged for a violation of the game and bird laws of this State, shall, within thirty days from date of the collection of such fines or penalties, be forwarded by the court, or the deputy game commissioner, to the State Game, Fish and Oyster Commissioner, who shall deposit same in the State Treasury, and same shall be credited to the special fund of the Game, Fish and Oyster fund for the payment of salaries and expenses of deputies appointed under the provisions of this act."

Sec. 3. That Section 8 shall hereafter read as follows:

"Sec. 8. It shall hereafter be unlawful for any person who has not been a bona fide inhabitant of and resident citizen of this State for six months last past to hunt for or kill any game or birds protected by the laws of this State without first procuring a hunting license from the Game, Fish and Oyster Commissioner, permitting him to do so, and by paying to said Commissioner the sum

of \$15. Said license shall be dated when issued and shall remain in force until the 1st day of September following thereafter. It shall hereafter be unlawful for any person to hunt or kill any game quadrupeds or game birds or wild fowl protected by the game laws of this State, outside the county where he resides, without first obtaining a State hunting license from the Game, Fish and Oyster Commissioner, permitting him to do so. Any person who has been a bona fide resident of this State for six months last past may procure a hunting license to hunt outside the boundaries of the county in which he resides, by paying a license fee of one dollar and seventy-five cents to the county clerk of the county in which he desires to hunt, to be dated when issued, and such license shall expire the first day of September of each year following such date; said license shall authorize the person named therein to use firearms in the hunting or killing game or game birds during the hunting season of that year, but only in the manner and time prescribed by law. Said license shall limit the number and quantity of game which may be taken or killed, in accordance with the provisions of law governing the subject.

"Any person found hunting in open season any game protected by the laws of the State, and who shall refuse to show his license herein provided for to any sheriff, deputy sheriff, constable, game commissioner or deputy game commissioners, on demand, shall be deemed guilty of a violation of the provisions of this act, and upon conviction shall be liable to the penalties provided herein."

Sec. 4. That Section 10 shall hereafter read as follows:

"Sec. 10. It shall be the duty of the Chief Deputy Game, Fish and Oyster Commissioner to prepare and furnish to each county clerk blank hunting licenses with stubs attached numbered serially.

"Said chief deputy shall open an account with each county clerk and charge him with the number of licenses furnished said clerk, said account shall show the serial number of such licenses.

"The county clerk of each county in this State is hereby authorized to issue local hunting licenses under his official seal to all persons complying with the provisions of this act, and shall fill out correctly and preserve the stubs attached thereto. The county clerk shall keep a complete and correct record of hunting licenses issued, showing the

name and place of residence of each licensee and the serial number and date of the license so issued, in a book to be furnished by the Game, Fish and Oyster Commissioner, which record shall be kept in his office and be open to the inspection of the public at all times during office hours.

"Said books and license stubs and unused licenses shall always be open to inspection of the Game, Fish and Oyster Commissioner or his deputies.

"The county clerk shall, within ten days of the close of each calendar month, make out a detailed report in duplicate under the seal of his office, showing the serial number and date of each license issued and the name and residence of the person to whom issued; he shall forward one copy, with remittance of the fees collected, to the Game, Fish and Oyster Commissioner at Austin, less twenty-five cents for each license, which he may retain as his fee. The duplicate copy of the report shall be forthwith forwarded to the Comptroller, who shall charge the Game, Fish and Oyster Commissioner with the amount so shown to be remitted; upon the receipt of such report and remittance, the Game, Fish and Oyster Commissioner shall deposit same in the State Treasury to the credit of the special fund provided in this act, and the Comptroller shall credit said Commissioner with the amount of the deposits made.

"If there be a resident Deputy Game, Fish and Oyster Commissioner in any such county, he shall be entitled to receive a fee of fifty cents out of the amount of each license issued, which shall be paid monthly out of said special fund upon warrant of the Comptroller, based upon the verified account of such deputy and approved by the county clerk, and State Game, Fish and Oyster Commissioner, provided that no such fees shall be paid for any month until the report and remittances of the county clerk have been made in accordance with the provisions of this act.

"It shall be the duty of the Game, Fish and Oyster Commissioner to keep in his office, in the Capitol of this State, a well bound book in which he shall keep a complete list of the licenses issued, fines collected and a statement of all prosecutions instituted for violations of the Game, Fish and Oyster laws, and the result of same. Said records shall be kept open for the inspection of the Comptroller and the public."

Sec. 5. Section 9 of Chapter 137 of the General Laws of the Thirtieth Legis-

lature, page 254, be and the same is hereby repealed.

(Floor Report.)

Austin, Texas, April 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 37, A bill to be entitled "An Act to amend Section 7, Chapter 55, page 509 of the Special Laws of the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1907, entitled 'An Act creating and incorporating the Lubbock Independent School District, in Lubbock county, Texas, defining its boundaries'; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect a tax, not exceeding one-half of 1 per cent on \$100 valuation of all property in said district, and providing for 'an emergency,'"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Meachum, Wil-lacy, Veale, Brachfield, Harper, Hume, Real, Bryan.

(Floor Report.)

Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 34, A bill to be entitled "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judge of either the Fifteenth or Fifty-ninth Judicial District in Grayson county to transfer cases from their respective courts to the other of said courts; and to validate all writs, process and bonds, civil and criminal, issued or executed up to the

time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas; and declaring an emergency, changing the time of holding court in the Fifty-ninth Judicial District; empowering the judge of the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Hume, Masterson, Terrell of Bowie, Peeler, Ward, Harper, Perkins, Paulus.

(Floor Report.)

Austin, Texas, April 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 58, A bill to be entitled "An Act to amend the city charter of the city of Greenville and the acts amendatory of said city charter of the city of Greenville, and to amend an act to amend said charter, approved the 22d day of March, 1909, by amending Section 1 of Article 3, Section 13a of Article 8, and Subdivision 18 of Section 15 of Article 8, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Cofer, Terrell of McLennan, Peeler, Masterson, Alexander, Willacy, Hume, Holsey.

(Majority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 36, A bill to be entitled "An Act to provide for the securing of deposits in banks and trust companies;

creating a State Banking Board; defining its powers and duties; permitting said banking board to create a security fund for the purpose of securing depositors; placing said fund under the control, management and supervision of said board, and fixing the conditions and terms by which State banks and trust companies shall avail their depositors of the benefits of said fund; fixing the premiums to be paid for the creation of said depositors' security fund and the manner and time of the payments of such security fund as herein provided; authorizing certain advertising privileges to such banks and trust companies that avail themselves of the provisions of this act; creating the depositors' security fund and prescribing the duties of said banking board, and providing a penalty for violations of this act; also providing for the securing of deposits in banks and trust companies by filing a bond with the Commission of Banking, and providing that all State banks and trust companies organized, or hereafter to be organized, shall avail their depositors of the protection provided for by this act, making it elective for the State banks and trust companies to secure their depositors by availing themselves of the depositors' security fund, or by filing the bond as provided in this act, and providing that all National banks in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act, and providing penalties for the violation of any of the provisions of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of the Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 36, A bill to be entitled "An Act to provide for the securing of deposits in banks and in trust companies; creating a State Banking Board defining its powers and duties; permitting said banking board to create a security fund for the purpose of securing depositors; placing said fund under the control, management and supervision of said board, and fixing the conditions

and terms by which State banks and trust companies shall avail their depositors of the benefits of said fund; fixing the premiums to be paid for the creation of the payments of such security fund," etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Mayfield, Terrell of McLennan, Alexander, Stokes.

(Majority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to require each corporation organized under the laws of this State to do a banking business or to receive funds on deposit to file annually with the Superintendent of Banking for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such Superintendent, to secure the depositors in such bank or other depository at such time for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity, and authorizing any other person, firm or corporation doing a banking business in the State, or receiving funds on deposit, to take the benefits of the provisions of this act and providing for the issuance of certificates by the Superintendent of Banking showing compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond or policy of insurance or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another permit from the State, and that the makers or signers as sureties of any bond or policy of insurance or other guaranty of indemnity executed hereunder upon making

payments thereunder shall be subrogated to the rights of the depositors for whose benefit such payments shall be made, and providing penalties for the violation of the provisions of this act and for their enforcement, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to require each corporation organized under the laws of this State to do a banking business," etc.,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

ALEXANDER,
MAYFIELD,
TERRELL of McLennan.

(Majority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 32, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banking corporations; and providing for the better securing of depositors of such corporations; providing for and defining bond security banks; and providing for and defining guaranty fund banks; and providing that all banking corporations hereafter formed shall avail their depositors of the protection provided for by this act, either for bond security banks or guaranty fund banks at their option; and that all banks heretofore incorporated and all banks incorporated prior to the adoption of the Constitution of 1876 and all National banks transacting business in this State, may, if they desire, at their option voluntarily avail their depositors of the protection afforded by this act either as

bond security banks or guaranty fund banks; amending Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking; and creating the State Banking Board, and prescribing its powers and duties; and providing for penalties for the violation of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 32, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banking corporations; and providing for the better security of depositors of such corporations; providing for and defining bond security banks; and providing for and defining guaranty fund banks; and providing that all banking corporations hereafter formed shall avail their depositors of the protection provided for by this act either for bond security banks or guaranty fund banks at their option; and that all banks heretofore incorporated and all banks incorporated prior to the adoption of the Constitution of 1876 and all National banks transacting business in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act either as bond security banks or guaranty fund banks; amending Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking, and creating the State Banking Board and prescribing its powers and duties, and providing for penalties for the violation of this act, and declaring an emergency."

Have had the same under considera-

tion, and beg leave to report it back to the Senate with the recommendation that it do pass.

ALEXANDER,
TERRELL of McLennan.

(Majority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act creating a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefits of said fund; fixing the amount to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to

such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Alexander, Veale, Mayfield, Terrell of McLennan.

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve of its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation and the establishment of a State Banking Board and the creation of a guarantee fund under the supervision thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation and the establishing of a State Banking Board and the creation of a guarantee fund under the supervision thereof,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

ALEXANDER.

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 35, A bill to be entitled "An Act amending Section 8, of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-eighth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 2, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of de-

posit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law; providing additional safeguards for the protection of the depositors and other creditors of such institutions; providing that all institutions shall be mutually liable pro rata within certain limitations for the payment of the liabilities of each such institution to its guaranteed depositors, and defining the guaranteed deposits and the guaranteed depositors of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State bank guaranty fund, and for its maintenance and use in the payment of guaranteed depositors of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board to close and take possession of the property and business of such institutions, and providing for their liquidation, and for the payment of their liabilities to their guaranteed depositors out of the State bank guaranty fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensation; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made

at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract or wilfully misapply its money, funds or securities, or to issue evidences of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet, any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act as such expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; providing that National banking associations shall avail themselves of certain provisions of this act, and providing that any bank or trust company created by virtue of a special act of the Legislature of Texas under certain conditions may avail itself of the provisions of this act; to prohibit any officer or employee from becoming indebted to or financially interested, other than as a depositor, in any State bank or State banking and trust company, and providing for penalties for violations; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Com-

mittee on Insurance, Statistics and History, to whom was referred

House bill No. 2, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twentieth-ninth Legislature of the State of Texas, and known as the State Banking Law; providing additional safeguards for the protection of the depositors and other creditors of such institutions; providing that all institutions shall be mutually liable pro rata within certain limitations for the payment of the liabilities of each such institution to its guaranteed depositors, and defining the guaranteed deposits and the guaranteed depositors of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State bank guaranty fund, and for its maintenance and use in the payment of guaranteed depositors of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board to close and take possession of the property and business of such institutions, and providing for their liquidation, and for the payment of their liabilities to their guaranteed depositors out of the State bank guaranty fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensation; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of

their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract or wilfully misapply its money, funds or securities, or to issue evidences of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet, any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; providing that National banking associations shall avail themselves of certain provisions of this act, and providing that any bank or trust company created by virtue of a special act of the Legislature of Texas under certain conditions may avail itself of the provisions of this act; to prohibit any officer or employee from becoming indebted to or financially interested, other than as a depositor, in any State bank or State banking and trust company, and providing for penalties for violations; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to

the Senate with the recommendation that it do pass.

TERRELL of McLennan,
ALEXANDER.

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 10, "An Act to incorporate the Amarillo Independent School District; to provide for the election of trustees; the issuance of bonds; the repeal of the original independent school district for Amarillo, and creating an emergency,"

And find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, April 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 5, "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, April 23, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 6, "An Act to authorize and permit the territory situated within the bounds of the town of Myra

in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

PETITIONS AND MEMORIALS.

By Senator Perkins:

Prosper, Texas, April 22, 1909.

Hon. Tom W. Perkins, Austin, Texas.

Dear Sir: We, whose names are subscribed hereto, citizens of Prosper, Collin county, respectfully ask that you support the Cureton bank guarantee bill as passed by the House of Representatives, without amendments calculated to defeat the purpose of providing a straight guarantee of bank deposits, as recommended by the State Commissioner of Banking. We look at the matter from the depositor's standpoint.

Signed—Mack Smith, L. R. Lair, S. E. Kennon, W. H. Shrader, and thirty others.

By Senator Veale:

Seymour, Texas, April 15, 1909.

At a mass meeting this day held in Seymour, Texas, the following resolution was unanimously adopted:

We, the business men and farmers of Baylor county in mass meeting assembled, having been called together by the joint action of the Board of Trade of Seymour and the Farmers' Union, petition the Legislature for the passage of a bank guaranty law which shall in effect put all the banks behind every bank and thereby absolutely guarantee the safety of all deposits.

T. H. C. PENRY, Chairman,
B. F. RUPE, Secretary.

By Senator Hume:

Houston, Texas, April 24, 1909.

To the Hon. F. Charles Hume, Jr., Senator from the Sixteenth Senatorial District of Texas, Austin, Texas:

We, the undersigned citizens of your district, take this means of commending you for the high stand taken by your-

self and your associates in defense of the dignity of the legislative department of the government, and of the constitutional structure thereof, and we beg to express to you, and through you to them, our high confidence in your ability to construe the demands of the Democratic platform, and to intelligently and faithfully represent the wishes of your immediate constituents, and the entire people of this great State.

Numerously signed.

By Senator Terrell of McLennan:

To Hon. H. B. Terrell, Senator, and Hon. S. E. Stratton, Hon. John Maxwell, Hon. A. M. Kennedy, and Hon. W. C. O'Bryan, Representatives.

Gentlemen: The Young Men's Business League respectfully petition your earnest support of House bill No. 5, providing for the completion and extension of the State railroad which is now almost completed from Rusk to Palestine, and that you add an amendment thereto providing for the further extension of the road from Palestine westward to Waco.

In bringing this matter to your attention, we believe that the interests of the entire State will be subserved by the operation of such a railroad, especially as a recent appropriation by Congress for the improvement of the Brazos river definitely commits the Federal Government to continued appropriations for the completion of the work of improvements from Waco to the gulf, thereby giving her rates from Central Texas, which, in conjunction with the State road would control freight rates throughout the entire State.

As young men like ourselves, we look forward with confidence to the completion of the State railroad and improvement of the Brazos river for navigation as two of the most important projects now under consideration for the development of Texas during our lifetime.

Respectfully submitted,

ALBERT T. CLIFTON,
President Young Men's Business League.

WILLIAM L. PRATHER,
Secretary.

Waco, Texas, April 24, 1909.

Hon. H. B. Terrell, Austin, Texas.

My Dear Sir: I take the liberty to call your attention to the importance of the line of railroad from Palestine to Waco, and to bespeak your support of the bill now pending in the State Legislature regarding State railroads.

I think all our McLennan county Representatives should lend their best efforts to secure passage of this bill.

Yours very truly,

E. ROTAN.

Waco, Texas, April 26, 1909.

Hon. H. B. Terrell, Senate Chamber,
Austin, Texas.

We want Rusk State railroad extended to Waco.

TOM L. McCULLOUGH.

Waco, Texas, April 26, 1909.

H. B. Terrell, Senator, Austin, Texas.

Business men of Waco recommend and strongly urge passage of bill providing for one hundred mile extension of State railroad from Palestine. Please use best efforts to this end.

W. W. Seley, Tom Padgitt, E. Rotan, Sam Sanger, H. B. Mistrot, L. Migel and others.

TENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, April 27, 1909.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Terrell of Bowic.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.
Perkins.

Sturgeon.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hayter, the same was dispensed with.

Morning call concluded.

SENATE BILL NO. 16.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 16, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within the State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business whatever, except interstate business, or to establishing or maintaining within this State a general or special office therefor, shall obtain from the Secretary of State and have a current permit to do business within this State, and making it a misdemeanor for any officer, agent, representative or employe of such corporation, in the name or on behalf of or for such corporation, to do any business whatever within this State, except interstate business, or to establish or maintain within this State any general or special office therefor, unless such corporation shall have first obtained and shall have from the Secretary of State a current permit to do business within this State; defining what foreign corporations may obtain such permit from the Secretary of State; prescribing the manner of obtaining such permit and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand whether arising out of contract or tort, unless at the time such contract shall be made or tort shall be committed, such corporation shall have obtained such permit; providing penalties and punishments for violations of provisions of this act and for the enforcement of such penalties and punishments; providing procedure in such cases; providing that civil suits for the enforcement of any of the provisions of this act shall be brought by the Attorney General or by the district or county attorney of the county in which such suit may be brought under the direction of the Attorney General and fixing venue of such suits; prescribing rules of evidence relating to such permit, or certified copy thereof; repealing Chapter 17 of Title 21 of the Revised Statutes, and Chapter

78 of the General Laws of the Regular Session of the Twenty-first Legislature, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fifth Legislature; making provisions of this act cumulative of all existing laws, except such as are expressly repealed by this act; and declaring an emergency."

The bill was read, and

Senator Watson moved that the Senate go into a Committee of the Whole Senate to consider the above bill.

The motion prevailed, and the Senate therefore resolved itself into a Committee of the Whole Senate.

IN THE SENATE.

The Senate was again called to order, as a session of the Senate, at 12:15 o'clock, by Lieutenant Governor Davidson.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 27, 1909.

To the Legislature.

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation thereon the following subjects:

1. Legislation creating the Independent School District of Alexander in Erath county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; and such legislation with respect thereto as the Legislature may deem necessary.

2. Legislation amending the law relating to the establishment of a criminal district court for the criminal district composed of Galveston and Harris counties; providing for the election and qualification of a district attorney for said criminal district, and prescribing the duties, powers and compensation of said district attorney; and providing for the appointment, duties, qualifications and compensation of assistant district attorneys for said criminal district; and providing for fees and compensation for the said assistant district attorneys.

3. Legislation creating a more efficient road system for Wood county;

and such legislation in respect thereto as the Legislature may deem necessary.

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By unanimous consent, after the morning call was concluded.)

By Senator Greer:

Senate bill No. 38, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas," etc.

Read first time, and referred to Committee on Roads, Bridges and Ferries.

REPORT OF COMMITTEE OF THE WHOLE.

Austin, Texas, April 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, as Chairman of the Committee of the Whole of the Senate, am instructed by the Committee of the Whole to report back to you and to the Senate that the Committee of the Whole has had under consideration Senate bill No. 16, and to report back to the Senate (1) that Senate bill No. 16 do not pass, and (2) that the roll calls had in the Committee of the Whole, together with the reasons assigned by the members for their votes, be incorporated in the Senate Journal.

Respectfully,

MURRAY, Chairman.

On motion of Senator Watson, the above committee report was adopted.

Senator Watson moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

In accordance with the above committee report, the following proceedings of the Committee of the Whole are recorded here:

Senator Terrell of Bowie moved that the Committee of the Whole report to the Senate with the recommendation that Senate bill No. 16 do not pass.

Senator Cofer moved, as a substitute, that the Committee of the Whole recommend that Senate bill No. 16 be re-committed to Judiciary Committee No. 1.

Action being on the substitute motion first, the same was lost by the following vote:

Yeas—7.

Bryan.	Thomas.
Cofer.	Veale.
Holsey.	Ward.
Mayfield.	

Nays—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Meachum.	

Absent.

Perkins.	Sturgeon.
Stokes.	

Action then recurred on the motion to report the bill unfavorably, it was adopted by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Nays—2.

Mayfield.	Ward.
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Absent.

Perkins.	Sturgeon.
Stokes.	

REASONS FOR VOTING.

I am opposed to the passage of this bill, but vote to recommit the bill because I think it due to Senator Ward, the author of the bill, on account of the various charges and insinuations made involving him and the Attorney General's Department. In view, of these charges, I think Senator Ward and the Attorney General's Department should have a hearing before the committee. The Attorney General's Department

should have an opportunity to show their connection with this bill in view of the charges made against that department.

MAYFIELD.

I vote to recommend to the Senate to recommit Senate bill No. 16 to Judiciary Committee No. 1, in order that Senator Ward may have the opportunity to explain his bill fully. Personally, I am opposed to the bill, believing as I do that its passage would endanger the efficiency of the present anti-trust laws of this State, but I believe its author should be accorded the courtesy of a full hearing.

VEALE.

I voted "yea" out of deference to Senator Ward, believing and knowing that his motives in introducing this bill should not be criticised; and as no harm could be done, I think it would be nothing but right to recommit the bill to Judiciary Committee No. 1. As the bill presents itself, I am opposed to it.

COFER.

I signed the floor report on this bill without having time to consider it and reserving the right to vote against it, and on investigation I am persuaded to believe if the bill was enacted into a law it would permit the Waters-Pierce Oil Company to come back into Texas, and therefore I vote against favorably considering it.

PEELER.

ADJOURNMENT.

On motion of Senator Hayter, the Senate adjourned to 10 o'clock a. m. tomorrow.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 3, A bill to be entitled "An Act making appropriations for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommen-

dation that it do not pass, but that the attached committee substitute do pass in lieu thereof.

WILLACY, Chairman.

Finance Committee Substitute Bill for Senate Bill No. 3.

A BILL

To be entitled

An Act making appropriations for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes and prescribing certain regulations and restrictions in respect thereto, and authorizing the payment of miscellaneous items upon the taking effect of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the support of the State Government from September 1, 1909, to August 31, 1911, and for other purposes and prescribing certain regulations and restrictions in respect thereto, and authorizing the payment of miscellaneous items upon the taking effect of this act, and declaring an emergency.

Provided, That each and every employe of each and every institution or department of this State shall be paid by voucher issued in his or her name; said voucher shall state the amount of salary or sum due and for what service performed, with the date and time of said service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers endorsed by the payee;

Provided further, That all of said vouchers upon which any money or moneys have been paid shall be filed with the Comptroller for the inspection of the Governor and the Legislature or by their authority, and

Provided further, that correct accounts shall be kept of all sums paid, or obligations outstanding against each item of appropriation herein and weekly statements of the net balances to the credit of each account, after all payments made and obligations outstanding have been deducted, shall be forwarded to the State Comptroller, and it shall be unlawful for the State Pur-

chasing Agent or the authority in charge of any institution or department of this State to purchase or issue orders for any supplies or to otherwise pledge the credit of this State beyond the amounts herein appropriated or otherwise lawfully authorized.

EXECUTIVE OFFICE.

	1909-10.	1910-11.
Salary of Governor....	\$4,000	\$4,000
Salary of private sec'y.	2,000	2,000
Salary of stenographic clerk	1,200	1,200
Salary of porter	480	480
Payment of rewards and other expenses necessary for the enforcement of the law.....	7,500	7,500
Payment of rewards and other expenses necessary for the enforcement of the law heretofore authorized to be expended under the direction of the Governor to be expended in two years	2,000	
Books and stationery..	300	300
Freight, postage and telegraphing	500	500
Ice	36	36
Office fixtures	100	100
Contingent expenses ...	100	100
Salaries of Board of Pardon Advisors	4,000	4,000
Traveling and other expenses visiting penitentiaries and convict camps	300	300
To pay Lieutenant Governor for acting as Governor, to be used in two years	250	
Furniture and stationery for Board of Pardons	300	
Contingent expenses, ice, etc.	100	100

Total \$23,166 \$20,616

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Executive Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor any obligations incurred in excess of the amounts herein appropriated.

MANSION AND GROUNDS.

For Governor's Mansion and furniture, including repairs of mansion and improvements to grounds surrounding mansion, and repairs of walks around mansion grounds, to be expended in two years..			
		\$2,000	
Labor and employes at Mansion and grounds surrounding Mansion ..	800		800
Water and ice	200		200
Fuel and lights	350		350
Contingent expenses ...	100		100
Total	\$3,450		\$1,450

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the mansion and grounds during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

STATE REVENUE AGENT.

Salary of State Revenue Agent	\$2,000	\$2,000
Traveling and other expenses	1,000	1,000
Office assistant and clerk	1,000	1,000
Office furniture	100	
Stationery, stamps and telegraphing	175	175
Total	\$4,275	\$4,175

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for State Revenue Agent during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

STATE DEPARTMENT.

Salary of Secretary of State	\$2,000	\$2,000
Salary of chief clerk....	1,700	1,700

Salaries of three assistant clerks at \$1200 each	3,600	3,600
Salaries of two second assistant clerks at \$1100 each	2,200	2,200
Salary of extra clerk to copy laws	300	
Salary of porter and filing clerk	480	480
Freight, postage, express and telegraphing and telephoning	2,400	2,400
Books and stationery	600	600
Furniture and files and typewriter	300	300
Contingent expenses	100	100
Salaries of emergency clerks not to exceed \$100 per month	1,200	1,200
Total	\$14,880	\$14,580

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of State during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

TREASURY DEPARTMENT.

Salary of Treasurer	\$2,500	\$2,500
Salary of chief clerk	2,000	2,000
Salary of chief bookkeeper	1,500	1,500
Salary of assistant bookkeeper	1,200	1,200
Salary of receiving clerk	1,450	1,450
Salary of depository clerk	1,200	1,200
Salary of one office bookkeeper	1,200	1,200
Total	\$11,050	\$11,050

SCHOOL LAND DEPARTMENT.

Salary of chief bookkeeper	\$1,400	\$1,400
Salary of corresponding clerk	1,200	1,200

Salary of examining clerk	1,300	1,300
Salary of bond and assistant clerk	1,200	1,200
Salary of first assistant bookkeeper	1,200	1,200
Salary of additional clerks to begin November 1 of each year	2,500	2,500
Salary of abstract and index clerk	1,200	1,200
Salary of bookkeeper and corresponding clerk, lease department	1,300	1,300
Salary of bookkeeper, university and asylum, lands and register clerk	1,300	1,300
Salary of night watchman	800	800
Salary of porter	480	480
Books, stationery and postage	2,500	2,500
Keeping in repair time locks, combinations, vaults and office furniture and files	300	300
Contingent expenses	150	150
To pay express charges, and to pay the charges on postoffice and express money orders upon money due the State as interest or principal due on bonds held by the State where the bonds are payable at any other point than Austin, Texas, and to pay express charges to place money in the city of New York for the payment of interest on State bonds payable in said city	300	300
Total	\$17,130	\$17,130

To refund to purchasers and to lessees of public domain, public school, university or asylum lands, and to purchasers of timber, or their vendees or assignees money which has been or which may be paid by them into the State Treasury, or to the Attorney General, in any of the following instances: (a) through error made in good faith, to be supported by the official certificate of the State Treasurer or of the At-

torney General, to whom such payment was made; (b) where the payment is made in accordance with law, but title cannot issue or possession cannot pass because of conflict in boundaries, erroneous sale, erroneous lease, or other causes; (c) in cases of sales out of leased lands; (d) where lease money has been paid on previously forfeited sales and same have been reinstated and all back interest paid; (e) where erroneous timber sales have been made; (f) where overpayments have been made in final payment to State Treasurer; (g) where a reduction has been made in acreage of timber sold or of lands sold or leased; (h) in cases of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county, the previously paid but unearned portion of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been or may be credited, and all claims for refund or payment except those embraced in Subdivision (a) hereof, to be certified by the certificates of the Commissioner of the General Land Office, and also by the certificate of the State Treasurer or the Attorney General, as the case may be, as to the proper amount, and all such claims to be

certified by the affidavit of the claimant and approved by the Attorney General as to the correctness of claim and to whom due; provided, that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person upon whom the loss falls in case of failure of title or right to possession 25,000 25,000

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Treasury Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

COMPTROLLER'S DEPARTMENT.

Salary of Comptroller..	\$2,500	\$2,500
Salary of chief clerk....	1,800	1,800
Salary of chief book-keeper	1,550	1,550
Salary of assistant book-keeper	1,300	1,300
Salary of two corresponding clerks at \$1200 each	2,400	2,400
Salary of two sheriff's clerks' witnesses and attorney's accounts at \$1300 each	2,600	2,600
Salary of one assistant sheriff's and attorney's clerk	1,200	1,200
Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroller	1,140	1,140
Salary of clerk for registering county and city bonds	1,140	1,140
Salary of general warrant clerk	1,300	1,300
Salary of assistant warrant clerk	1,100	1,100

Salary of school and special warrant clerk.....	1,300	1,300	representative when necessary to check up tax collectors' accounts, or official business.....	150	150
Salary of bookkeeper in warrant department...	1,250	1,250	To purchase one adding machine	375	
Salary of chief tax clerk	1,350	1,350	Total	\$63,230	\$62,855
Salary of assistant tax clerk	1,200	1,200	Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.		
Salary of assistant special tax clerk.....	1,100	1,100	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Comptroller's Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.		
Salary of redemption clerk	1,300	1,300	COMMISSIONER OF PENSIONS.		
Salary of assistant redemption clerk.....	1,100	1,100	Salary of Commissioner of Pensions	\$2,000	\$2,000
Salary of examining clerk	1,350	1,350	Postage and miscellaneous expenses	500	500
Salary of assistant examining clerk.....	1,100	1,100	Total	\$2,500	\$2,500
Salary of auditing clerk	1,275	1,275	ATTORNEY GENERAL'S DEPARTMENT.		
Salary of assistant auditing clerk.....	1,100	1,100	Salary of Attorney General	\$2,000	\$2,000
Salary of pension clerk..	1,350	1,350	And the further sum each year, or so much thereof as may be necessary to pay such fees as may be prescribed by law	2,000	2,000
Salary of one unorganized county clerk.....	1,100	1,100	Salary of first assistant	2,500	2,500
Salary of deposit warrant and general clerk.	1,140	1,140	Salary of second assistant	2,000	2,000
Salary of mailing and file clerk	1,100	1,100	Salary of third assistant	2,000	2,000
Salary of assistant mailing and file clerk.....	1,100	1,100	Salary of fourth assistant, who shall assist the Attorney General in enforcement of anti-trust laws	2,500	2,500
Salaries of twelve assistant clerks at \$1100 each	13,200	13,200	Salary of fifth office assistant	2,000	2,000
Salary of general warrant and register clerk.	1,100	1,100	Salary of recording clerk and bookkeeper, who shall also discharge the duties of stenographic clerk ...	1,300	1,300
Salary of cancellation of erroneous assessments clerk	1,100	1,100			
Salary of clerk to assist Comptroller in carrying out the provisions of the law regulating the sale of intoxicating liquors, and to perform such other duties as may be required of him	1,500	1,500			
To pay traveling expenses in securing depositions, necessary under this item.....	500	500			
Salary of stenographers, who shall perform such other duties as may be required by the Comptroller	1,000	1,000			
Salary of messenger and file clerk	400	400			
Salary of two porters at \$480 each	960	960			
Postage, telegraphing, express and office furniture	4,300	4,300			
Books and stationery...	1,250	1,250			
Contingent expenses	150	150			
Traveling expenses of Comptroller or his rep-					

Salary of stenographic clerk	1,200	1,200
Stationery, postage, telegraphing, telephoning, express and furniture.	1,000	1,000
Law books and periodicals	500	500
Salary of porter, who shall discharge duties of filing clerk	480	480
Furniture and fittings, and typewriter, to be expended in two years.	500	
Actual traveling expenses incurred by Attorney General or any of his assistants in giving attention to the State's business pending elsewhere than in the courts in the city of Austin, vouchers to be made upon official certificate	1,200	1,200
For contingent expenses	100	100
For certified costs of depositions and securing evidence and documents necessary to the preparation of causes.	750	750
Costs in civil cases in which the State of Texas or any head of a department is a party.	3,000	3,000
For the enforcement of the anti-trust laws and laws concerning corporations and procuring evidence and conducting and prosecuting suits by the Attorney General and special counsel, under the direction of the Governor, to be paid out on warrants issued by the Comptroller ordered by the Governor and Attorney General, to be expended in two years.	15,000	

Total

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Attorney

General's office during the fiscal year beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

STATE TAX BOARD.

Salary of Tax Commissioner	\$2,500	\$2,500
Bookkeeper, accountant and stenographer	1,200	1,200
Postage, express and telegraphing	125	125
Contingent expenses	100	100
Books and stationery	125	125
Purchase of typewriter	100	
Purchase of office furniture	100	
Total	\$4,250	\$4,050

GENERAL LAND OFFICE.

Salary of Commissioner	\$2,500	\$2,500
Salary of chief clerk	1,800	1,800
Salary of assistant chief clerk	1,400	1,400
Salary of legal examiner	1,500	1,500
Salary of receiver	1,350	1,350
Salary of head transcript clerk	1,200	1,200
Salary of one assistant transcript clerk	1,200	1,200
Salary of one assistant transcript clerk	1,150	1,150
Salary of head patent clerk	1,200	1,200
Salary of assistant patent clerk	1,200	1,200
Salary of head examining file clerk	1,300	1,300
Salary of assistant examining file clerk	1,100	1,100
Salary of one file and transfer clerk	1,100	1,100
Salary of custodian of files and file room clerk	1,200	1,200
Salary of letter register clerk	1,100	1,100
Salary of letter index clerk	1,100	1,100
Salary of abstract clerk	1,200	1,200
Salaries of nine corresponding clerks at \$1,200 each	10,800	10,800
Salary of Spanish translator	1,140	1,140
Salary of chief draftsman	1,600	1,600

Salaries of five compiling draftsmen, at \$1,400 each	7,000	7,000
Salary of six assistant draftsmen, at \$1,200 each	7,200	7,200
Salary of old title and deposition clerk	1,200	1,200
Total	\$51,540	\$51,540

SCHOOL LAND DEPARTMENT.

Salary of chief clerk ..	\$1,500	\$1,500
Salary of head sales clerk	1,350	1,350
Salary of assistant sales clerk	1,200	1,200
Salary of scrap land sales clerk	1,200	1,200
Salary of award clerk ..	1,200	1,200
Salary of assistant award clerk	1,200	1,200
Salary of three bookkeepers, at \$1,200 each	3,600	3,600
Salary of head lease clerk	1,200	1,200
Salary of two field agents, at \$1,300 each.	2,600	2,600
Salary of night watchman	600	600
Salary of janitor	600	600
Expenses of two field agents	2,000	2,000
Stationery, books and furniture	1,000	1,000
Contingent expenses ...	150	150
Wood, water and ice ...	300	300
Postal cards and stamps	1,800	1,800
Telegraphing and telephoning, towels and laundry	150	150
Repairs to fixtures and furniture	50	50
Repairs to buildings, matting, etc.	200	200
Vellum, blue print and drafting instruments and map machine ...	2,000	1,500
Typewriting machines, material and repairs provided that old machines may be exchanged in part payment for new ones ...	250	250
Traveling expenses for Commissioner or an employe under his instructions	500	500
For surveying under the provisions of Sec. 6-147 General Laws of the Thirty-first Legislature	5,000	5,000
Total	\$29,650	\$29,150

Provided, it shall be the duty of the Commissioner to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the General Land Office during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrant be issued nor any obligation be incurred in excess of the amounts herein appropriated.

STATE DEPARTMENT OF EDUCATION.

Salary of State Superintendent	\$2,500	\$2,500
Salary of chief clerk ..	1,700	1,700
Salary of law and certificate clerk	1,350	1,350
Salary of statistical clerk	1,200	1,200
Salary of auditing and apportionment clerk ..	1,200	1,200
Salary of stenographic, filing and general clerk	1,200	1,200
Salary of mailing and blank room clerk	1,000	1,000
Salary of general assistant clerk	1,200	1,200
Salary of porter	480	480
Salaries of two clerks for three months, July, August and September, at \$100 per month each	600	600
Actual traveling expenses of State Superintendent or his representative when on official duty	500	500
Postage and stationery, office furniture, files, binding reports and other books, forms and pamphlets	1,500	1,500
Express, freight, telegraphing, telephoning	750	750
Contingent expenses ...	150	150
Paper, printing and distributing county superintendents' record books,		

county and independent school district treasurers' report books, teachers' daily registers, school laws, examination questions, teachers', superintendents' and treasurer's blank reports, census blanks, courses of study, circulars to school officers and teachers, and other blank forms for the use of teachers and other school officers, or for the advancement of the cause of education.... 6,000 6,000

Total\$21,330 \$21,330

For support of public free schools for two years, all the available free school fund arising from the interest on lease of school lands, interest on bonds, school taxes and all other sources of revenue to said fund.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Education during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

PUBLIC BUILDINGS AND GROUNDS.

Salary of Superintendent	\$1,500	\$1,500
Salary of bookkeeper....	900	900
Salary of engineer and electrician	1,200	1,200
Salary of assistant engineer	900	900
Salary of six watchmen at \$60 per month.....	4,320	4,320
Salary of one carpenter	900	900
Salaries of two firemen at \$600 each.....	1,200	1,200
Salary of plasterer....	800	800
Salaries of six cleaners.	2,520	2,520
Salary of one driver....	420	420
Salary of W. P. Zuber,		

guide in charge of paintings	480	480
Labor and material on Capitol grounds, keeping cemetery and for headstones for Confederate and Texas veterans in State Cemetery.	6,400	6,400
Water, light, fuel and contingencies	12,000	12,000
Oil and waste for engines, dynamos, steam pumps, drawing paper and stationery	400	400
Feed for teams.....	175	175
Tools	200	200
Pipes and fittings.....	500	500
Repairing and painting Capitol buildings and cemetery fence and repairing furniture in House and Senate.....	3,000	3,000
Salary of one elevator man	720	720
To purchase lineolium or carpets for the several departments of the State Capitol building and for cleaning and renovating carpets in said departments, to be expended in two years..	2,000	
Total	\$40,535	\$38,535

Provided, that the head of this department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the Superintendent shall keep an itemized account of the expenses of the department and incorporate the same in his annual report.

Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for Public Buildings and Grounds during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

STATE PURCHASING AGENT.

Salary of Purchasing Agent	\$2,000	\$2,000
Salary of chief clerk....	1,200	1,200

Salary of assistant clerk	900	900
Salary of porter.....	480	480
Contingent expenses	500	500

Total\$5080 \$5080

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Purchasing Agent during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations incurred in excess of the amounts herein appropriated.

Provided further, that the State Purchasing Agent shall advise the financial agent of the State Penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State Penitentiary of the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice to any public advertisement calling for bids by registered mail to the financial agent of the penitentiary at Huntsville.

Provided, the State Purchasing Agent is hereby authorized to sell all condemned or unserviceable supplies of all kinds, the proceeds of such sales to be covered into the general revenue.

ADJUTANT GENERAL'S OFFICE.

Salary of Adjutant General	\$2,000	\$2,000
Salary of Assistant Adjutant General, who shall be chief clerk.....	1,200	1,200
Salary of Assistant Adjutant General, for ex-officio duties in assisting surviving State troops or Rangers, or their surviving wives, who served during the period from February 28, 1855, to December 31, 1860, on the frontier of Texas against In-		

dian depredations and Mexican marauders in making title to pensions under the Act of Congress, approved May 30, 1908	300	300
Salary of Quartermaster General	1,500	1,500
Salary of assistant clerk and stenographer	1,000	1,000
Salary of porter, messenger and armorer.....	480	480
Stationery, postage, telegraphing and telephoning and to purchase typewriter	675	600
Ranger force in the suppression of lawlessness and crime	25,000	25,000
Payment of and transportation and subsistence for the Texas National Guard when called into actual service under the law and for such other military expenses incidental thereto	5,000	5,000
For labor in arsenal and store room, repair of arms and equipment, laundry and repair of uniforms in store room, transportation of military stores and supplies, transportation and expenses of officers serving on military courts and boards, and transportation and expenses of witnesses appearing before military courts and boards.....	5,000	3,000
Payment of transportation and subsistence of the Texas National Guard for camps of instruction at Camp Mabry, and all other military expenses, to be used in two years.....	25,000	25,000
Files	100	100
Rent and maintenance of armories and purchase of armory equipment.....	10,000	10,000
Total	\$77,255	\$50,180

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Adjutant General's office during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

PUBLIC PRINTING.

First, second and third class printing and binding, and for printing papers of first, second and third class of printing	\$25,000	\$25,000
Printing and binding Texas reports, Texas Civil Appeal Reports and Texas Criminal Reports	4,500	4,500
Salary of Expert Printer and Secretary of Printing Board	1,500	1,500
Salary of assistant and bookkeeper	1,000	1,000
For advertising State business	500	500
Telephone rent, postage, stationery and files	150	150
Total	\$32,650	\$32,650

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for public printing during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

UNIVERSITY OF TEXAS.

For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the years beginning September 1, 1909, and ending August 31, 1911, all the

available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and all fees collected, and all receipts whatsoever from any source.

Provided, that the following appropriation out of the general revenues for the support and maintenance of this institution is made upon the expressed condition that the board of regents of the University of Texas shall use a sufficient amount of the available funds of the University for the purpose of building a heating plant and a library building and to erect a chemical laboratory at the Medical Department at Galveston, and to make such repairs for the Medical Department at Galveston as the board of regents may deem proper and necessary.

For the maintenance, support and direction of the University of Texas, for the two years beginning September 1, 1909, and ending August 31, 1911, from the general revenue. \$230,000 \$230,000

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

MEDICAL DEPARTMENT AT GALVESTON.

For the maintenance, support and direction of the Medical Branch, including repairs, and improvements, all interest from endowments or donations, all gifts, and all fees collected from students, and all receipts whatsoever, from any source and in addition thereto, from the general revenue \$55,000 \$55,000

Provided, that the amounts herein appropriated, for each item as stated herein, and no more, shall be paid out of the general revenue for the Medical Department at Galveston during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations be incurred in excess of the amounts herein appropriated.

SAM HOUSTON NORMAL INSTITUTE.

For support and maintenance	\$27,000	\$27,000
Scholarships	17,500	17,500
For library, apparatus, repairs, equipment, improvement	3,000	3,000
For the construction of a building for teaching agriculture and industrial arts, complete ..	20,000	
Equipment for said building	5,000	
Total	\$72,500	\$47,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Sam Houston Normal Institute during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said Normal School; and

Provided further, that any appointment not made or any appointment made and the appointee failing to attend said school that portion of said fund shall revert to the State of Texas.

NORTH TEXAS STATE NORMAL.

For support, maintenance	\$27,000	\$27,000
Scholarships	17,500	17,500
For construction of Science Building	35,000	
Equipment for Science building ..	5,000	
For library, apparatus,		

repairs, equipment, improvement ..	3,000	3,000
Installing sewerage ..	2,000	

Total .. \$89,500 \$47,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas State Normal during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made, or any appointment made and the appointee failing to attend said school, that portion of said fund shall revert to the State of Texas.

SOUTHWEST TEXAS NORMAL SCHOOL AT SAN MARCOS.

For support and maintenance	\$27,000	\$27,000
Scholarships	17,500	17,500
For library apparatus, repairs and equipment ..	3,000	3,000
Library building and equipment	15,000	
To purchase land adjoining the San Marcos Normal School, to be approved by the Governor	1,500	
Total	\$64,000	\$47,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwest Texas Normal School during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made, or any appointment made and the appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

In addition to the appropriations made by this act for the support of the several State normals, the Board of Education is hereby authorized to direct and to permit each of such normals to collect from each student attending the same for each year an incidental fee not to exceed the sum of \$15, and shall direct how the same may be applied.

GIRLS' INDUSTRIAL COLLEGE.

Salary of president.....	\$3,000	\$3,000
Maintenance and support, salaries of teachers	23,000	23,000
For student labor.....	1,000	1,000
Printing bulletins, catalogues, etc.	500	500
Stationery and postage..	250	250
Telephone, telegraph, small printing and office supplies	500	500
Materials and supplies for the several departments—brushes, brooms, toilet supplies, chemicals, practice materials, etc.	500	500
Support of summer school for industrial instruction, salaries of teachers and supplies..	1,000	1,000
Light, heat and power—coal, wood, gasoline and electricity	1,250	1,250
Library, books and periodicals	300	300
Improvements and repairs—toilet latrines, additions to radiators, plumbing, lunch counter, closets and shelving	2,000	2,000
Departmental funds, for purchase of apparatus, cases, charts, specimens, models	1,250	1,250
Improvements and repairs—fences, sheds, painting, tool house, shade trees, sidewalks, grading, fertilizer and wagon shed	1,000	1,000
Labor needed in developing and properly attending to grounds, stock and orchard	750	750
Horses and implements for use on the place...	100	100
Dairy, feed, silo and milk cans and poultry feed..	350	350
Greenhouse — seeds, plants, pots, worktables and implements	100	100
Athletic grounds—grading and preparing		

ground and fixing equipment for tennis, basketball and open air calisthenics	75	75
President's traveling expenses—institutes, lectures, etc.	50	50
Regents fund—for expenses of attending meetings and auditing books	500	500
Contingent expenses...	750	750
Water works, including sewerage, hydrants, cisterns and connections..	500	500
Commencement expenses, programs, invitations and rentals	100	100
Additional equipment for hospital	750	
For renewing and installing heating plant..	7,500	
To erect assembly room and industrial building	35,000	
Total	\$82,075	\$38,825

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Girls' Industrial College during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

Provided, that no more or greater sum of money shall be paid to the president as a salary than the sums herein appropriated for each year, and that by the acceptance of such sums of money by such president as his salary, he shall waive any claim upon the State for any other or further salary which may be claimed by him by reason of pre-existing law or a prior action of the board of regents of said Girls' Industrial College.

AGRICULTURAL AND MECHANICAL COLLEGE.

For maintenance	\$50,000	\$50,000
Steam plant	6,000	6,000
Agricultural department	1,000	1,000
Mechanical engineering department	900	900
Horticultural department and equipment	1,000	1,000
Veterinary department..	500	500
Animal husbandry department	750	750

Physics department and electrical engineering...	900	900	be paid into the State Treasury and become a part of the general revenue of the State.		
Botanical department...	300	300	Textile school	750	750
Entomological department	750	750	Board's expenses	500	500
Apiary and insectary...	800	800	Repairs to buildings only	7,500	7,500
For the purpose of employing by the State Entomologist local assistants in different parts of the State whose duties shall be to inspect apiaries and to treat foul brood, and all other contagious diseases of honey bees, provided that in case the State Entomologist cannot secure a local assistant he may act in person and in such case his actual traveling expenses shall be paid out of this appropriation...	3,000	3,000	To erect one dormitory complete and equipped.	60,000	
Civil engineering department	1,000	1,000	To build five cottages for professors to be expended in two years.....	10,000	
Care of grounds and roads	1,000	1,000	For purchase of live stock, to be expended in two years	2,500	
Chemical department...	1,500	1,500	Civil Engineering Department equipment	2,000	2,000
Fuel	2,000	2,000	Chemical Department, addition to building.....	500	
Architectural engineering department.....	500	500	Equipment of electrical engineering building	4,000	2,000
President's fund, including postage, telegrams, telephone, publishing catalogue, circulars, etc.	4,000	4,000	Library, books and periodicals	600	600
Publishing bulletins	1,000	1,000	Rewiring buildings	2,000	
Provided, the board of directors of the Agricultural and Mechanical College are hereby authorized to employ any of the above named and mentioned teachers and employes at a different salary, if by them deemed best and advisable, and to make the necessary modifications and adjustment of the various items for running expense of the various departments as conditions demand.			To complete basement of dormitory erected by authority of Thirtieth Legislature	2,500	
For hog cholera, serum experiments	1,000	1,000	To install a central heating plant	15,000	10,000
Student labor	7,000	7,000	Total	\$199,750	\$114,250
For support and maintenance of Beeville Experimental Station ...	3,500	3,500	Provided, that this appropriation is conditioned that the President of said Agricultural and Mechanical College shall require some one of the industrial classes taught at said college.		
Provided, that all proceeds from the sale of all farm and dairy products of all the experimental stations, established and to be established, shall be paid into the State Treasury and become a part of the general revenue of the State.			In addition to the above, the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby appropriated for the support of this institution; provided, that the board of directors of the Agricultural and Mechanical College of Texas shall include in their reports the number of and salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions, in the same manner as the law requires of the board of regents to report the salaries and number of the faculty and employes and the receipts of the University of Texas.		
For support and maintenance of Troupe experimental station	3,500	3,500	Provided, that all the proceeds of the sale of farm and dairy products, surplus stock and worn out property shall be paid into the State Treasury and become a part of the general revenue of the State.		
Provided, that all proceeds from the sale of farm and dairy products shall			Provided, first, reports shall be made quarterly and filed with the Comptroller,		

giving an itemized statement of all moneys paid out, and showing from what particular fund said money was paid.

Second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board and other items during the term. Said statement shall show what disposition is made of said fund, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasurer.

Provided, further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Agricultural and Mechanical College during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrant be issued nor any obligations be incurred in excess of the amounts herein appropriated.

PRAIRIE VIEW NORMAL.

Maintenance of State students, one for each Senator and Representative ..	\$17,500	\$17,500
Provided, each appointee shall pay one-half of cost of maintenance.		
Agricultural and mechanical department ..	2,500	2,500
Female industrial department ..	800	800
Library and laboratory ..	750	750
Stationery, postage and printing ..	300	300
Improvements on roads and grounds ..	500	500
Repairs and painting...	2,000	2,000
Furniture for dormitories ..	500	500
Student labor ..	1,000	1,000
Fences and bridges ..	500	500
To erect two new cottages for teachers ..	1,500	
Completing sewer and water system ..	3,000	
Canning outfit ..	500	
Dairy herd, to be expended in two years..	500	
Steam plant running expenses ..	500	500
To erect and equip one dormitory complete ..	20,000	
Total ..	\$52,350	\$26,850

Provided, that the receipts from sales of farm and dairy products, surplus stock and worn-out property shall be paid into the State Treasury and become a part of the general revenues of the State.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Prairie View Normal, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

TEXAS STATE BOARD OF HEALTH.

Salary of President ...	\$2,500	\$2,500
Salary of Board and mileage ..	3,200	3,200
Salary of Assistant Health Officer ..	2,400	2,400
Salary of Registrar of Vital Statistics ..	1,800	1,800
Salary of chemist ..	1,800	1,800
Salary of stenographer and bookkeeper ..	1,200	1,200
Salary of inspector ..	1,800	1,800
Salary of filing and index and general clerk.	600	600
Salary of Quarantine Officer at Galveston, when actually engaged in service, at \$200 per month ..	2,400	2,400
Salary of engineer on launch at Galveston, at \$75 per month ..	900	900
Salary of disinfecter at Galveston, at \$60 per month ..	720	720
Salaries of two assistant disinfectors at Galveston, seven months in each year, at \$420 each ..	820	820
Salary of captain of disinfecting vessel at Galveston, at \$100 per month ..	1,200	1,200
Salary of engineer on disinfecting vessel at Galveston at \$100 per month ..	1,200	1,200
Salaries of two deck hands on disinfecting vessel at Galveston, at \$720 each ..	1,440	1,440
Salary of quarantine officer at Sabine Pass,		

when actually engaged in service, at \$150 per month	1,800	1,800	per month, when actually engaged in service	900	900
Salary of one disinfectant at Sabine Pass, at \$60 per month	720	720	Salary of boatman at Pass Cavalla, when actually engaged in service, at \$50 per month, for six months	300	300
Salary of one boatman at Sabine Pass, at \$50 per month	600	600	Salary of quarantine inspector at El Paso, while engaged in actual services for the State, at \$150 per month	1,800	1,800
Salary of engineer at disinfecting plant at Sabine Station, at \$75 per month	900	900	Salary of quarantine inspector at Eagle Pass, when actually engaged in service, at \$150 per month	1,800	1,800
Salary of quarantine inspector at Brownsville, when actually engaged in service, at \$150 per month	1,800	1,800	To repair wharf at the Quarantine Station at Galveston	3,800	
Salaries of two boatmen at Brownsville, when actually engaged in service, at \$50 per month, for six months.	600	600	Salary of quarantine inspector at Laredo, when actually engaged in service, at \$150 per month	1,800	1,800
Salary of one mounted guard at the mouth of the Rio Grande, for seven months, at \$75 per month	525	525	Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Cavalla, Laredo, Brownsville, Eagle Pass and El Paso, for guarding the State line at other places against infectious diseases as may become necessary from time to time and for necessary repairs to State property, for each year	12,000	12,000
Salary of quarantine officer at Aransas Pass, when actually engaged in service, at \$150 per month, for twelve months	1,800	1,800	Miscellaneous	2,000	2,000
Salary of boatman at Aransas Pass, when actually engaged in service, at \$50 per month.. .. .	600	600			
For erecting house at Aransas Pass for quarantine officer	2,000		Total	\$62,275	\$56,475
Salary of quarantine guard at Corpus Christi, to be under the supervision of the quarantine officer at Aransas Pass, said guard to furnish his own boat and supplies, at a salary of \$75 per month, for six months	450	450	Provided, that the President of said board may abolish such positions as are herein set forth if, in his judgment, the same are not necessary for the protection of the public health, or he may require the quarantine officers to perform such other work in his department as he may think for the interest of the public health.		
Salary of quarantine officer at Velasco, for twelve months, at \$150 per month, when actually engaged in service	1,800	1,800	Provided, that the president of said board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended, and said itemized report shall, after approval, be filed		
Salary of boatman at Velasco for six months, at \$50 per month, when actually engaged in service	300	300			
Salary of quarantine officer at Pass Cavalla, for six months, at \$150					

with the Comptroller for public inspection.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said report be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas State Board of Health during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

FISH AND OYSTER COMMISSIONER.

Salary of Commissioner..	\$1,800	1,800
Office rent, traveling expenses, stationery and other expenses of Commissioner	650	650
To pay balance on boat purchased by the Commissioner to be paid out of the revenues of the department	200	
To establish and maintain a fish hatchery, provided same shall be paid out of the revenues of this department to be expended in two years ..	\$5000	
Total	\$2,650	2,450

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Fish and Oyster Commissioner during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

LIVE STOCK AND SANITARY COMMISSION.

To pay per diem and expenses of three Commissioners	\$2,000	\$2,000
To pay inspectors at \$75		

per month while in actual service and such other expenses as may be necessary	10,500	10,500
To pay one veterinary surgeon	1,200	1,200
Salary of bookkeeper and stenographer	900	900
To pay rent, stationery and other expenses....	400	400
Total	\$15,000	\$15,000

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Live Stock Sanitary Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

STATE MINING BOARD.

Per diem of State Mining Board	\$1,050	\$1,050
Traveling expenses for board	250.	250
Salary of State Mine Inspector	2,000	2,000
Traveling expenses for inspector	1,000	1,000
Total	\$4,300	\$4,300

Provided, that the amounts herein appropriated for the items herein stated, and no more, shall be paid out of the general revenue for the State Mining Board during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

PURE FOOD COMMISSION.

Salary of Commissioner..	\$2,000	\$2,000
Salary of Deputy Commissioner	1,200	1,200
Salary of stenographer..	600	600
Salaries of two inspectors	2,400	2,400
Office and laboratory supplies	600	300
Stamps and stationery..	250	250
Costs of samples.....	500	500

Traveling and other ex- penses	2,950	2,950
Total	\$10,200	\$10,200

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the Pure Food Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

BUREAU OF LABOR STATISTICS.

Salary of Commissioner..	\$2,000	\$2,000
Salary of clerk.....	1,200	1,200
Postage and stationery..	100	150
Office furniture	150	100
Traveling expenses	1,000	1,000
Total	\$4,450	\$4,450

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Bureau of Labor Statistics during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor shall any obligations be incurred in excess of the amounts herein appropriated.

SUPREME COURT.

Salaries of three judges	\$12,000	\$12,000
Salary of clerk.....	2,500	2,500
Salary of stenographer and law clerk.....	1,500	1,500
Salary of marshal, who shall be appointed by the Chief Justice, whose duty it shall be to at- tend the sessions of the Supreme Court to pre- serve order and execute its orders and processes		

and to act as assistant librarian and to keep the library open from 8 a. m. to 12 m. and from 1 p. m. to 5 p. m., ex- cept Sundays and holi- days, and who shall be paid \$75 monthly.....	900	900
Salary of porter for court room, library and clerk's room	360	360
Salary of porter for con- sultation room	360	360
Record books, stationery and furniture, type- writers and book cases..	600	600
Postage and expressage..	150	150
Purchase of books for Supreme Court library and consultation room, and for binding books to be selected by the Chief Justice	1,500	1,500
Contingent expenses	200	200
Total	\$20,070	\$20,070

Provided, it shall be the duty of the said clerk, on the first Monday in July, October, January and April of each year, to make a report to the Comptroller, showing the amount of such fees collected each year, giving the number of the case, but not necessarily the style of the case, together with fees from other sources, stating in each instance the source. The reports shall also show the amounts paid out for the services of the deputy clerk or clerks, as the case may be, and also the probable amount necessary to pay the salaries of the deputies for the ensuing quarter, which amount may be retained by the clerk. The report shall be accompanied by the receipt or receipts of the State Treasurer for any balance that may remain after deducting from the amounts received the amounts to be paid out and so retained.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Supreme Court during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

COURT OF CRIMINAL APPEALS.

Salaries of three judges	\$12,000	\$12,000
Salary of stenographer and bailiff for court...	1,200	1,200
Salary of stenographer for court	1,200	1,200
Postage	200	200
Law books, to be selected by the presiding judge	400	400
Record books and stationery	400	400
Salary and fees of Attorney General	2,500	2,500
Telegraphing and contingent expenses for Assistant Attorney General	50	50
Salary of porter	480	480
Contingent expenses	300	300
Salary of clerk	2,500	2,500
Salary of deputy clerk ..	2,000	2,000
File cases for Austin...	250	
Telephone	48	48
Total	\$23,528	\$23,278

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Criminal Appeals during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIRST DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer..	900	900
Salary of bailiff.....	100	100
Salary of porter.....	300	300
Books for law library..	500	500
Postage and box rent...	150	150
Record books and stationery	200	200
Furniture, including typewriter	200	100
Contingent expenses ...	100	100
Fuel, light and ice.....	200	200
Total	\$13,150	\$13,050

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil

Appeals, First District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SECOND DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer..	900	900
Salary of bailiff.....	100	100
Salary of porter.....	300	300
Postage and box rent...	150	150
Record books and stationery	200	200
Telephone and ice.....	100	100
Books for law library...	500	500
Contingent expenses ...	100	100
Purchase of typewriter, furniture, book cases and carpets	1,000	
Total	\$13,850	\$12,850

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Second District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided, further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, THIRD DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Salary of stenographer..	900	900
Books for library and consultation room	500	500
Record books and stationery	200	200
Postage and box rent ..	150	150
Ice, telegraphing, telephoning and express ..	75	75
Contingent expenses	100	100
Total	\$12,885	\$12,885

Provided, that the amounts herein appropriated for each item as stated here-

in and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Third District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FOURTH DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer ..	900	900
Salary of bailiff	100	100
Salary of porter	300	300
Postage and box rent...	150	150
Record books and stationery ..	200	200
Books for library	500	500
Telephone, express and ice ..	100	100
Contingent expenses ...	100	100
Furniture ..	100	100

Total \$12,950 \$12,950

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Fourth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIFTH DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer ..	900	900
Salary of bailiff	100	100
Salary of porter	300	300
Record books and stationery ..	200	200
Books for library	500	500
Postage and box rent..	150	150
Contingent expenses ...	100	100
Telephone and ice	100	100

Total \$12,850 \$12,850

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of

Civil Appeals, Fifth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SIXTH DISTRICT.

Salary of three judges ..	\$10,500	\$10,500
Salary of stenographer ..	900	900
Salary of bailiff	100	100
Salary of porter	300	300
Record books and stationery ..	300	200
Postage and box rent..	150	150
Books for library	750	500
Contingent expenses ...	100	100
Telephone, ice, fuel, light and express	200	200
Total	\$13,300	\$12,950

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Sixth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

JUDICIARY.

Salaries of sixty-nine district judges	\$207,000	\$207,000
Salaries of forty-four district attorneys	22,000	22,000
Salary of criminal district attorney	500	500
Salaries of two criminal district judges...	6,000	6,000
Fees and costs of sheriffs, clerks and attorneys in felony cases..	310,000	310,000
Expenses of attached witnesses ..	170,000	170,000
Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials	37,000	37,000
Salary of Supreme Court reporter ..	3,000	3,000

Salary of assistant Supreme Court reporter.	3,000	3,000
Salary of Court of Criminal Appeals reporter.	3,000	3,000
To pay special judges.	4,000	4,000
To pay costs and officers' fees in cases escheated estates, including such cases in which such costs and fees have already accrued and are owing by the State	100	100
To pay assistant district attorneys	2,000	2,000
Total	\$767,600	\$767,600

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Judiciary during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

PENSIONS.

Pay to veterans under general law	\$23,000	\$21,000
Pay to Confederate pensioners	500,000	500,000
Total	\$523,000	\$521,000

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the pensions during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrant be issued nor obligation incurred in excess of the amounts herein appropriated.

PUBLIC DEBT.

Payment of interest on public debt	\$146,265	\$146,265
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STATE ORPHAN HOME.

Salary of superintendent, with provisions for himself and family, not to exceed in value \$500 per year, and fuel, lights, water and housing	\$1,500	\$1,500
Salary of matron	540	540
Salary of industrial manager	1,250	1,250

Salary of seven teachers	2,520	2,520
Salary of physician, not to live at home	600	600
Salary of baker	300	300
Salaries of three cooks at \$200 each	600	600
Salary of dining room and dairy woman	240	240
Salaries of three laundresses	600	600
Salaries of farm laborers and gardeners	600	600
Salary of night watchman	360	360
Salary of trained nurse in hospital at \$55 per month	660	660
Salaries of four assistant ward matrons	1,380	1,380
Salaries of three seamstresses	720	720
Salary of engineer, electrician and plumber	900	900
Salary of instructor in shoe shop	360	360
Instructor for mattress and broom factory	600	600
Material for broom factory	500	500
Machinery for broom factory		250
Machinery for laundry		250
Fuel	3,500	3,500
Postage and stationery	250	250
School and kindergarten supplies	500	500
Transportation	250	250
Telephone	150	150
Literature for reading room and Sunday school	150	150
General maintenance necessary to the support of the home; this shall include the purchase of all bedding, clothing, furniture or other supplies necessary for the comfort of the home, including pay for board of trustees at \$5 per day each	30,000	30,000
Carpenter and blacksmith, \$50 per month for each year	600	600
Storekeeper and accountant, provided that a record of all supplies received shall be kept	800	800
Material for carpenter and blacksmith	150	150
For repairing, stuccoing and painting, plastering and calcimining, and painting buildings, filling basement, renewing floors, ceiling, lavator-		

ies, sinks and baths, and for renewing sewerage plant, to be expended in two years...	15,000		Salaries of second, third and fourth assistant physicians at \$1250 each	3,750	3,750
Provided, that not less than \$1500 of said sum shall be used for improving the hospital and the board of managers are hereby authorized to locate the hospital in such building as in their judgment may be deemed best.			Salary of steward, storekeeper and accountant.	900	900
For material and work for plumbing and electric lights	300	300	Salary of assistant storekeeper and stenographer	600	600
For material and labor for fencing and building tank	200	200	Salary of druggist.....	600	600
For repairing and renewing steam heating plant to be used in two years	4,000		Salary of matron.....	600	600
To purchase brick and build walks	400		Salary of supervisor....	480	480
To purchase mules and vehicles	400	200	Salary of assistant supervisor	420	420
To purchase and set out orchard and forest trees	300		Salary of supervisoress..	480	480
To purchase and install new boilers	2,400		Salary of assistant supervisor	420	420
For cisterns and water supply	600		Chaplain	300	300
Total	\$74,180	\$51,780	Salary of outside supervisor and head farmer.	550	550
Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Orphan Home during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations be incurred in excess of the amounts herein appropriated; provided, that all proceeds of sale of all products raised or manufactured at the State Orphan Home shall be covered into the State Treasury.			Salary of chief engineer and plumber	1,100	1,100
			Salary of assistant engineer and electrician....	550	550
			Salary of assistant engineer and plumber....	550	550
			Salary of gardener and florist	320	320
			Salary of chief cook....	550	550
			Salary of first assistant cook	320	320
			Salary of second assistant cook	320	320
			Salaries of nine assistant cooks	2,160	2,160
			Salary of baker.....	480	480
			Salary of two assistant bakers	480	480
			Salary of carpenter....	600	600
			Salary of blacksmith....	420	420
			Salary of plasterer and painter	540	540
			Salaries of four firemen at \$360 each.....	1,440	1,440
			Salaries of twenty-two night attendants	6,600	6,600
			Salary of head laundryman or laundress....	480	480
			Salary of assistant head laundryman or laundress	300	300
			Salary of twelve laundresses	2,880	2,880
			Salary of head seamstress	300	300
			Salary of one knitting machine operator	420	420
			Salary of one assistant machine operator	240	240
			Salaries of seven seamstresses	1,680	1,680
			Salaries of eighty attendants	19,200	19,200
			Salaries of two trained nurses	840	840
			Salary of scavenger....	240	240
			To pay farm hands....	900	900
Salary of superintendent, provided he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000			
Salary of first assistant physician	1,250	1,250			

Salary of dairyman	360	360
Salaries of two assistant dairymen	480	480
Salary of tailor	480	480
Salary of shoemaker....	400	400
Salaries of four dining room girls	720	720
Salary of butcher	450	450
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments	\$132,500	\$132,500
Dry goods and clothing..	23,000	23,000
Furniture and beds	2,200	2,200
Transportation of patients	700	700
Literature and amusement	600	600
Trees and seeds	250	250
Farm machinery and tools	300	300
Engineers' and carpenters' tools	200	200
Horses, mules, cows and hogs	500	500
Bridges, culverts and grounds	300	300
Repairs to be used in two years on buildings only	15,000	
Wagons, hacks and harness	450	150
To build new laundry...	8,300	
Converting laundry building into ward for fifty inmates	4,000	
Machinery for new laundry	2,500	
To erect and equip complete, two buildings for consumptive patients—first year	35,000	
Additional appropriation, to be used when new buildings provided for are completed. Maintenance and support including dry goods and clothing and additional employes		11,000
Total	\$284,950	\$230,850

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Lunatic Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided fur-

ther, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the board of managers and superintendent for the purpose of its proper support and operation, and that a record of all fees so collected shall be kept and an itemized account, showing each item of expenditure made out of such funds, and a detailed account made and included in an annual report of the hospital to the Governor.

SOUTHWESTERN INSANE ASYLUM.

Superintendent each year, with provisions for himself and family, not to exceed in value \$500 each year, and fuel, light, water and housing	\$2,000	\$2,000
First and second physicians, \$1,250 each....	2,500	2,500
Third assistant physician and pathologist	1,250	1,250
Storekeeper and accountant	900	900
Assistant storekeeper and accountant, clerk and office assistant....	480	480
Druggist	600	600
Matron	600	600
Supervisress	480	480
Assistant supervisress..	420	420
Supervisor	480	480
Assistant supervisor	450	450
Outside supervisor and head farmer	550	550
Chief engineer	1,100	1,100
Assistant engineer and electrician	550	550
Assistant engineer and plumber	550	550
Three firemen	1,080	1,080
Gardener and florist....	320	320
Chaplain	300	300
Chief cook	550	550
First assistant cook	300	300
Five assistant cooks....	1,000	1,000
Baker ..	480	480
Assistant baker	240	240
Salary of carpenter	600	600
Blacksmith	400	400
Painter and plasterer..	480	480
Tailor and tailoress	400	400
To pay for shoe repairing ..	360	360
Three dining room girls ..	540	540
Four farm hands	720	720
Twelve night watches..	3,600	3,600

Head laundress or laundryman	480	480	to present male wards, complete	45,000	
Assistant head laundress or laundryman ..	300	300	Enlarging laundry and purchase of laundry machinery ..	2,500	
Six laundresses	1,140	1,140	To purchase iron kettles steam cookers and meat grinders for kitchen	600	
Head seamstress	300	300	Furniture and beds....	1,200	1,200
Five seamstresses	1,200	1,200	Provided, that the Superintendent may sell such horses, hacks, wagons, and clothing and machinery, and invest the proceeds in like property.		
Two trained nurses, \$420 each	840	840	Total ..	\$270,100	\$172,000
Fifty attendants	12,000	12,000	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwestern Insane Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.		
Dairyman	360	360			
Assistant dairyman ..	240	240	NORTH TEXAS HOSPITAL FOR INSANE.		
One butcher	450	450	Salary for Superintendent, with provisions for himself and family, not to exceed in value \$500 per year, and fuel, lights, water and housing ..	\$2,000	\$2,000
Scavenger ..	240	240	Support, maintenance, groceries and fuel, lights and water; pay of board of managers, including mileage, drugs, medical stores and surgical instruments ..	185,000	185,000
Support, maintenance, groceries, fuel, lights and water; pay of board of managers, including mileage, drugs, medical stores and surgical instruments ..	72,000	72,000	Dry goods and clothing ..	32,000	32,000
Dry goods and clothing ..	12,000	12,000	Salaries of first, second, third, fourth and fifth assistant physicians, \$1250 each ..	6,250	6,250
Transportation of patients ..	500	500	Salary of clerk and storekeeper ..	900	900
Literature and amusements ..	400	400	Salary of assistant storekeeper and stenographer ..	600	600
Cows, horses, mules and hogs ..	300	300	Salary of druggist ..	600	600
Wagons, hacks and harness ..	200	200	Salary of matron ..	600	600
Trees, seed, farm machinery and tools ..	300	300	Salary of supervisor ..	480	480
Engineers' and carpenters' tools ..	100	100			
Bridges, culverts and grounds ..	200	200			
General repairs and painting for buildings only ..	3,000	3,000			
Additional appropriation to be used when new buildings provided for are completed. Maintenance and support, including dry goods and clothing and additional employes, to be expended in two years ..		40,000			
To enlarge power plant and to purchase new boilers and machinery ..	10,000				
To erect and equip east wing to present hospital, complete and connecting passage ..	15,000				
To build consumptive building for male and female and equipment, complete ..	20,000				
To erect and equip wing to present female ward, complete ..	45,000				
To erect and equip wing ..					

Salary of assistant supervisor	420	420	Maintenance and support, including dry goods and clothing and additional employees, second year	5,500	
Salary of outside supervisor and head farmer	550	550	Scavenger	240	240
Salary of supervisoress..	480	480	Salary of two assistant dairymen	480	480
Salary of assistant supervisoress	420	420	Transportation	800	800
Salary of chief engineer and plumber	1,100	1,100	Butcher	450	450
Salary of assistant engineer and electrician....	550	550	Furniture and beds....	3,000	3,000
Salary of assistant engineer and plumber....	550	550	General repairs and painting	10,000	5,000
Salaries of six firemen..	2,160	2,160	Literature and amusement	750	750
Salary of gardener and florist	320	320	Fire department	500	500
Chaplain	300	300	Trees and seeds.....	400	400
Salary of chief cook....	550	550	Horses, mules, cows and hogs	500	500
Salary of assistant cook..	320	320	Engineers' and carpenters' tools	300	300
Salaries of eight under cooks	1,920	1,920	Bridges, culverts and grounds	1,500	300
Salary of baker.....	550	550	Laundry machinery and repairs	500	500
Salary of two assistant bakers	480	480	Fencing	250	250
Salary of carpenter.....	600	600	Wagons, hacks and harness	300	300
Salary of blacksmith....	400	400	Mowers, plows and farm tools	300	300
Salary of plasterer....	480	480	Overhauling steam heating plant, main building	7,500	
Salary of painter.....	480	480	To erect two pavilions first year	3,600	
Salary of assistant painter	360	360			
Salary of tailor or tailoress	400	400			
Salary of shoemaker....	400	400			
Salaries of five dining room girls	1,080	1,080			
Salaries of twenty night attendants	6,000	6,000			
Salaries of six farm hands	1,080	1,080			
Salary of head laundryman or laundress.....	480	480			
Salary of assistant head laundryman or laundress	300	300			
Salaries of thirteen laundresses	3,120	3,120			
Salaries of four trained nurses	1,680	1,680			
Salary of head seamstress	300	300			
Salaries of two outside night watchmen	720	720			
Salaries of ten seamstresses	2,400	2,400			
Salary of mattress maker	300	300			
Salaries of 110 attendants	26,400	26,400			
Salary of dairyman....	360	360			
To erect two buildings and provide equipment complete for consumptive patients	35,000				
Additional appropriation to be used when new buildings are completed.					
			Total	\$352,810	\$306,010
			<p>Provided, that the interest on all securities held by the lunatic asylum fund are hereby appropriated in part payment of the appropriation of the three lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in or which may hereafter be paid into the State Treasury for the board and treatment of nonindigent patients and sales of personal property of the three lunatic asylums shall be paid over to the State Treasurer monthly and credited by him to the general revenue.</p> <p>And provided further, that the amounts herein appropriated, for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas Hospital for Insane during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and any balance, if any, remaining shall revert to the State Treasury; provided further, that no deficiency shall be created, nor shall any warrants</p>		

be issued nor obligations incurred in excess of the amounts herein appropriated.

EPILEPTIC COLONY.

Salary of superintendent, provided he shall receive provisions not to exceed \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000
Salary of assistant physician	1,250	1,250
Salary of storekeeper and accountant	900	900
Salary of matron and supervisoress	480	480
Salary of supervisor....	480	480
Salary of druggist.....	600	600
Salary of engineer and electrician	1,100	1,100
Salary of assistant engineer	480	480
Salary of two firemen..	600	600
Salary of laundryman or laundress	360	360
Salaries of four laundresses at \$240 each...	960	960
Salary of head steam-tress	300	300
Salaries of three seamstresses for the first year and four for the second year at \$240 each....	720	960
Salaries of three dining room girls for the first year and four for the second year	720	960
Salaries of twenty-five night and day attendants for the first year and twenty-eighth for the second year.....	6,000	6,720
Salary of outside night watchman	360	360
Salaries of two skilled nurses	720	720
Salary of head farmer and gardener	480	480
Salary of two farm hands	480	480
Salary of dairyman....	300	300
Salaries of seven cooks.	2,100	2,100
Salary of carpenter....	480	480
Salary of baker.....	360	360
Salary of chaplain.....	150	150
Salary of shoemaker....	360	360
Salary of painter and plasterer	480	480
For maintenance, including groceries, transportation, medical stores, surgical instruments		

and tools, drugs, and pay of managers, water, lights, fuel, including mileage	35,000	40,000
Tailor's supplies	200	250
Literature and amusements	300	300
For dry goods, beds and bedding	5,000	5,000
Horses, mules, cows and hogs	300	300
Transportation	300	300
For trees and seeds....	250	300
Farm and ground.....	300	300
To purchase furniture...	1,000	1,000
Wagons, hacks and harness	300	300
To install filtering plant	5,000	
To install coal bins....	1,500	
To erect standpipe and install hydrants	7,500	
To build one new cottage and equip same.....	15,000	
To install sewage farm..	5,000	
Total	\$100,170	\$72,470

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Epileptic Colony during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

BLIND INSTITUTE.

Salary of superintendent, provided he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family....	\$2,000	\$2,000
Salary of oculist.....	900	900
Salary of medical attendant	600	600
Salary of storekeeper and accountant, with board	900	900
Salary of matron, with board for twelve months	600	600
Salary of assistant matron, with board for nine months	450	450
Salary of principal....	1,350	1,350
Salary of teacher junior grade for boys.....	900	900
Salary of teacher junior grade for girls.....	900	900

Salaries of two teachers (one intermediate, one sub-intermediate grade) for boys, \$75 per month for nine months each..	1,350	1,350	nine months, without board	500	500
Salaries of two teachers (one intermediate, one sub-intermediate grade) for girls, \$15 per month for nine months each..	1,350	1,350	Salaries of two seamstresses, girls' industrial department, nine months, with board, \$225 each	450	450
Salary of teacher, primary grade, for girls, nine months	675	675	Salary of housekeeper for large boys, nine months, with board	225	225
Salary of teacher, primary grade, for boys, nine months	675	675	Salary of teacher, boys' industrial department, twelve months, without board	600	600
Salary of teacher, sub-primary grade, for boys, nine months	675	675	Salary of assistant teacher, boys' industrial department, without board	400	400
Salary of teacher, sub-primary grade, for girls, nine months	675	675	Salary of physical director, nine months, without board	540	540
Salary of teacher, kindergarten, nine months..	810	810	Salary of nurse for sick boys, nine months, with board	400	400
Salary of teacher in typewriting and telephoning for nine months at \$75 per month	675	675	Salary of three seamstresses, three months, with board	225	225
Salary of teacher of pipe organ, piano and harmony, nine months....	765	765	Salary of nurse for sick girls, nine months, with board	400	400
Salary of teacher of piano, mandolin and guitar, nine months....	765	765	Salary of monitress and seamstress for small boys, with board.....	300	300
Salary of teacher of vocal music, nine months....	675	675	Salary of monitress and seamstress for small girls, with board.....	300	300
Salary of teacher in orchestral instruments, nine months.....	810	810	Salary of monitress for dining room, study hall and associate duties, with board	300	300
Salary of teacher of piano tuning and repairing and keeping all pianos in tune and repair, nine months.....	675	675	Salary of night watchman, twelve months, without board	600	600
Salary of assistant teacher in orchestral instruments, piano and cornet, nine months	675	675	Salary of engineer, electrician and plumber, twelve months, with board and lodging for self	900	900
Salary of teacher, violin and piano, nine months	675	675	Salary of carpenter and painter, twelve months, with board	480	480
All above without board, except six, who do dormitory duties and other resident work; provided, the superintendent in his report to the board of trustees shall give the name of every teacher in this department who gets board.			Salary of assistant engineer, electrician and plumber, twelve months, with board	450	450
Salary of music reader, nine months, without board	675	675	Salary of hostler and yardman, twelve months, with board....	300	300
Salary of teacher, girls' industrial department,			Salary of chief yardman, twelve months, with board	300	300
			Salary of office assistant and stenographer, twelve months, with board	300	300

Salary of janitor of school building, nine months, with board....	225	225	finishing, dining room and kitchen belongings	2,500	2,500
Salaries of one baker and five cooks, nine months, with board, \$270 each..	1,620	1,620	Stamps, copy books, stationery, etc.	350	350
Salaries of four dining room girls, nine months, with board, \$180 each..	720	720	Maintenance for girls' industrial department.	800	800
Salaries of four chambermaids, nine months, with board, \$180 each..	720	720	Maintenance for boys' industrial department.	3,000	3,000
Salary of one head laundress, nine months, with board	270	270	To buy two horses with privilege of exchanging two unserviceable horses in the trade, harness and repair of wagonette, buggy and surrey, to be expended in two years	350	
Salaries of five assistant laundresses, nine months, with board, \$180 each	900	900	Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses.	20,500	20,500
Salary of one cook for three summer months, with board	60	60	For re-wiring for electric lights all old buildings, carrying service from power plant, installing switchboard in power house, and panel boxes on each floor of all buildings and putting light system in first class condition, and re-wiring the system of house phones ..	3,300	
Salary of one chambermaid for three summer months, with board....	60	60	For conduits	4,300	
Salary of one laundress for three summer months, with board....	60	60	Addition to laundry building and extension of power house chimney ..	2,000	
Salaries of five trustees, \$60 each, payable monthly	300	300	To purchase two metal washers, one collar folder and one conveyor dry room	1,000	
Transportation for indigent pupils	1,400	1,400	For purchasing one boiler, repairing other boilers, building furnaces and for purchasing gasoline or steam engine ..	1,500	
Dry goods and clothing for indigent pupils....	1,900	1,900	For adding second story to mattress building and erecting an east wing, including heating, wiring, etc., thereby making a safe and adequate industrial building ..	8,800	
Fuel	3,500	3,500	For overhauling plumbing system and putting the same in first class condition ..	3,400	
Water and lights.....	1,200	1,200	For repairing steam heating system and for		
To purchase pianos, music in ordinary and in line and point print, dissected maps, globes, apparatus for school, furniture, kindergarten materials, sewing machines, and material for girls' industrial department; and the Superintendent of the institution is authorized to exchange the old pianos now in the institution for new pianos at such a price as he may be able to get them	2,000	2,000			
General repairs to buildings and grounds, painting buildings and fences, enameling iron beds and bath tubs, repairing and upholstering furniture, purchasing bath tubs, floor coverings, furniture, floor and furniture					

putting the system in
first class condition... 3,500

Total .. \$99,405 \$71,255

Provided, that the amount herein appropriated for each item as stated herein, and no more shall be paid out of the general revenue for the Blind Institute during the fiscal years, beginning September 1, 1909, and ending August 31, 1911, and no deficiency shall be created; provided further, that no surplus shall be diverted from one account to another account, nor shall any warrant be issued or obligation incurred in excess of the amounts herein appropriated.

DEAF AND DUMB ASYLUM.

For superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family \$2,000 \$2,000

Salary of principal, without board 1,350 1,350

Salary of first teacher, without board.... 1,000 1,000

Salary of second teacher, without board.... 1,000 1,000

Salary of third teacher, without board.... 1,000 1,000

Salary of fourth teacher, without board.... 720 720

Salary of fifth teacher, without board.... 720 720

Salary of sixth teacher, without board.... 720 720

Salary of seventh teacher, without board.... 720 720

Salary of eighth teacher, without board.... 720 720

Salary of ninth teacher, without board.... 720 720

Salary of tenth teacher, without board 630 630

Salary of eleventh teacher, without board 630 630

Salary of twelfth teacher, without board 630 630

Salary of one manual teacher, without board 630 630

Salary of first oral teacher, without board 1,000 1,000

Salary of second oral teacher, without board 900 900

Salary of third oral teacher, without board 800 800

Salary of fourth oral teacher, without board 780 780

Salary of fifth oral teacher, without board 720 720

Salary of sixth oral teacher, without board 720 720

Salary of seventh oral teacher, without board 720 720

Salary of eighth oral teacher, without board 720 720

Salary of ninth oral teacher, without board 720 720

Salary of tenth oral teacher, without board 720 720

Salary of eleventh oral teacher, without board 600 600

Salary of twelfth oral teacher, without board 600 600

Salary of thirteenth oral teacher, without board 600 600

Salary of five additional oral teachers, without board, at \$600 per year 3,000 3,000

Salary of art teacher, without board 720 720

Salary of instructor in printing, without board 720 720

Salary of instructor in shoemaking, without board 720 720

Salary of instructor in carpentry, without board 720 720

Salary of instructor in tailoring, without board 720 720

Salary of instructor in sewing 480 480

Salary of instructor in painting, without board 600 600

Salary of storekeeper and accountant 900 900

Salary of matron 480 480

Salary of housekeeper.. 550 550

Salary of supervisor for boys 480 480

Salary of second supervisor for boys 480 480

Salary of two supervisors for girls, \$400 each 800 800

Salary of two supervisors for small boys 800 800

Salary of night watchman, without board 600 600

Salary of electrician, engineer and plumber, without board 900 900

Salary of assistant engineer and plumber.... 600 600

Salaries of two trained nurses, with board, \$480 each 960 960

Salary of one night supervisor, with board. 300 300

Salary of gardener	300	300
Salaries of two laborers	480	480
Salary of foreman of laundry	450	450
Salaries of six assistant laundresses	1,200	1,200
Salary of baker	480	480
Salary of chief cook....	480	480
Salary of one assistant cook for 12 months....	300	300
Salaries of two assistant cooks, at \$250 each, for 10 months	500	500
Salaries of two chamber-maids	480	480
Salaries of six dining room girls	1,080	1,080
Supplies and provisions..	36,000	36,000
Water, light and power..	3,100	3,100
Furniture, furnishings and mattresses	1,200	1,200
Clothing and transportation for indigents.....	2,500	2,500
Art material	150	150
Salaries of board of trustees, \$60 per year each, for one meeting per month	300	300
Dry goods, blankets....	1,000	1,000
Medical attention	1,000	1,000
Literary and school supplies	500	500
Harness and tools.....	100	100
Repairs on buildings and grounds	1,500	1,500
For care and maintenance and education for the blind-deaf	2,000	2,000
Laundry machinery and repairs to same.....	200	200
Five hundred feet of new guttering, new ventilators and repairs on towers, main building ...	1,115	
Building and equipping new kitchen, enlarging dining room and store room	7,500	
Span of mules and wagons, provided old ones may be given in exchange	250	
Machinery for shoe shop	550	
To build additional dormitory complete	17,000	
To equip new dormitory and provide new toilets	3,000	
Total	\$123,035	\$93,620

Provided, that the interest on all securities held by the Deaf and Dumb Asylum funds are hereby appropriated, the remainder to be paid out of the general revenue; and provided further, that the amounts herein appropriated

for item as stated herein, and no more, shall be paid out of the general revenue for the Deaf and Dumb Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

RAILROAD COMMISSION.

Salaries of three Commissioners	\$12,000	\$12,000
Salary of secretary....	1,700	1,700
Salary of one rate clerk	1,500	1,500
Salary of one general clerk	1,200	1,200
Salary of one general clerk	1,200	1,200
Salary of one porter....	480	480
Salary of one expert accountant	2,700	2,700
Salary of one assistant expert accountant and rate clerk	1,800	1,800
Salary of one expert rate clerk	2,700	2,700
Salary of one expert assistant rate clerk	2,500	2,500
Salary of civil engineer.	3,000	3,000
Salary of one stenographic clerk	900	900
For contingent expenses, sheriffs' fees, transportation of clerks and Commissioners when necessary, furniture, fixtures and files, postage, stationery, books, telegraphing, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs, and for other necessary expenses	6,500	6,500
Total	\$38,180	\$38,180

STATE PENITENTIARIES.

The proceeds of all convict labor, or so much thereof as may be necessary, are herein appropriated for maintenance and support, but of which proceeds no more than the following sums shall be paid for the purposes herein set forth for the fiscal years ending August 31, 1910, and August 31, 1911:

For conveying convicts to the penitentiaries....	\$12,000	\$12,000
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The proceeds of all products, manufactured or otherwise, of the penitentiary, and all proceeds arising from the

lease of convicts and from all other sources shall be reported to the Governor on the first day of each month, and statements of all expenses or obligations, whether for salaries paid, labor performed, purchase of material, supplies or provisions or otherwise, and all receipts arising from any source whatever, shall be made to the Governor monthly; provided, said accounts shall be itemized, showing to whom salaries are paid and for what service, and the time of said service, and accompanied by vouchers by said employee; and provided further, that such monthly statements, when accompanied by all vouchers endorsed for services rendered, supplies purchased or otherwise, as provided in Section 1 of this act, when submitted to and approved by the Governor shall be deemed sufficient authority for the Penitentiary Board to retain such amount of money or moneys on hand to meet the expenditures set forth in such statement.

Provided, that the amount herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State penitentiaries during the two fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

Provided, that the Penitentiary Board are hereby authorized to pay out of the money to the credit of the penitentiary in addition to the amounts paid under the law, the necessary traveling expenses of inspectors and other employees of the penitentiary when traveling on the State's business.

THE STATE INSTITUTE FOR THE TRAINING OF JUVENILES.

Salary of superintendent, with provisions for himself and family, not to exceed in value \$500 per year, and fuel, lights and water and housing for himself and family	\$1,800	\$1,800
Salary of accountant....	900	900
Salary of farm supervisor	600	600
Salary of engineer	720	720
Salary of assistant engineer	500	500
Salaries of two teachers, \$480 each	960	960

Salaries of two teachers, \$600 each	1,200	1,200
Salaries of 16 guards, \$360 each	5,760	5,760
Salary of baker and cook	360	360
Salary of druggist and nurse	400	400
Salary of physician	400	400
Salary of chaplain.....	300	300
Maintenance	32,000	36,000
Fuel	2,500	2,500
Books and slates	500	500
Postage and express	400	400
Medicine	450	450
Discharge and transportation	1,800	1,800
Literature and library ..	350	350
Farm implements	400	400
To purchase mules; provided the superintendent may exchange old mules now on hand in part payment of same	1,500	
School room furniture, including organ	600	
To erect barn for protection of cows, reapers mowers, wagons and farm tools and for storing coal and cotton seed	5,000	
Fencing material	500	
To erect a steel tank and tower not less than 25,000 gallons capacity ..	3,000	
For repairs to buildings..	1,500	1,500
To erect and equip a new building for dormitory, school room and dining room purposes, together with the necessary school furniture, dormitory beds, kitchen and dining room furnishings, both the building and furnishings to be complete; also for leveling and improving the ground, building fence and cement walks around said building..	30,000	

Total

Provided, that the head of said institution keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out

of the general revenue for the State Institution for the Training of Juveniles during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the Superintendent of the State Institution for the Training of Juveniles is hereby required to rent sufficient land to keep all inmates employed.

CONFEDERATE HOME.

Salary of Superintendent, with provisions for himself and family, not to exceed \$500 per year, and fuel, lights, water and housing	\$1,500	\$1,500
Groceries, fuel, lights, water, feed, including pay for monthly meetings of board of managers, burial of the dead and compensation of chaplain	45,000	45,000
Salary of surgeon	1,500	1,500
For treatment of ear, eye and nose	300	300
Salary of storekeeper and accountant, who shall be bookkeeper	900	900
Salary of matron	480	480
Salary of apothecary	600	600
Salary of chief cook	550	550
Salary of baker	400	400
Salaries of two assistant cooks, at \$240 each	480	480
Salary of chief waiter	300	300
Salaries of nine waiters, at \$180 each	1,620	1,620
Salary of chief cook at hospital	540	540
Salary of assistant cook at hospital	300	300
Salary of stewardess and assistant hospital matron	480	480
Salary of one trained nurse (male)	480	480
Salary of assistant nurse	420	420
Salaries of two night nurses	720	720
Salaries of six day nurses	1,800	1,800
Salaries of two hospital waiters	430	430
Salary of one barber	360	360

Salary of one head laundryman	480	480
Salary of five laundresses, at \$15 per month each	900	900
For shoe repairing	400	400
Salary of carpenter and plumber	480	480
Salary of seamstress	240	240
Salary of one yard man	240	240
To pay hostler, postmaster, wood chopper, day and night guard, and fire chief to work at the Home	850	850
Salary of master of roll	240	240
Furniture and beds	600	600
Clothing, hats and shoes	11,000	11,000
Transportation	200	200
Books, periodicals, newspapers and postage stamps	50Q	500
Salary of driver of delivery wagon	300	300
Painting and repairing of buildings	10,000	500
Medical supplies and instruments	1,800	1,800
Kitchen, dining room and laundry supplies	500	500
For roads, paths and grounds	500	500
Improvement of grounds and beautifying the same, to be expended under the supervision of a competent landscape gardener	2,000	2,000
Total	\$90,390	\$80,890

Provided, that the board of managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods and supplies as are of no use to the home, and apply the proceeds to the needs of said home.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Confederate Home during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

DEAF, DUMB AND BLIND ASYLUM (COLORED).

Salary of superintendent	\$1,500	\$1,500
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Salary of principal teacher	675	675
Salaries of five class room teachers and one music teacher at \$50 per month for nine months	2,700	2,700
Salary of instructor in broom and mattress making	450	450
Salary of shoemaker...	450	450
Salary of seamstress...	360	360
Salary of matron.....	360	360
Salary of laundress and one assistant	420	420
Salary of night watchman	300	300
Salary of engineer and plumber	600	600
Salary of preceptress..	360	360
Salary of cook and assistant	500	500
Salary of farmer and gardener	300	300
Salary of monitor for large boys	270	270
Furniture	200	200
Books	175	175
For stationery, postage and printing	100	100
Clothing for indigent pupils	600	600
Tools for shop and apparatus	150	150
Repairs and general improvement ..	3,000	1,000
Groceries and miscellaneous	10,000	10,000
Salary of Board and mileage ..	300	300
Salary of oculist.....	600	600
Salary of instructor in tailoring	450	450
Transportation for indigent pupils	500	500
Total ..	\$25,320	\$23,320

DEPARTMENT OF INSURANCE AND BANKING.

Salary of Commissioner.	\$2,500	\$2,500
Salary of Commissioner as chairman of the State Fire Rating Board ..	500	500
Salary of actuary.....	2,000	2,000
Salary of chief clerk....	1,700	1,700
Salary of bank clerk....	1,350	1,350
Salary of assistant bank clerk	1,200	1,200
Salary of stenographer..	1,200	1,200
Salary of stenographer for bank department...	900	900
Salary of certificate clerk	1,200	1,200

Salary of bookkeeper and record clerk	1,200	1,200
Salary of statistical clerk	1,200	1,200
Salary of porter and file clerk	480	480
Expenses of Commissioner in enforcing insurance laws	1,500	1,500
Postage, stationery, telegraph and express....	1,500	1,500
Rent of telephone.....	60	60
Binding annual statements of insurance companies	50	50
Contingent expenses....	100	100
Publishing insurance laws	500	
Office furniture, including one typewriter	500	
Shelving, to be expended in two years.....	500	
To pay salaries and expenses and clerical help of the State Fire Rating Board, under the provisions of the law enacted by the First Called Session of the Thirty-first Legislature	10,000	10,000
Total	\$30,140	\$28,640

The Commissioner of Insurance and Banking is hereby authorized to appoint a sufficient number of bank examiners not to exceed one examiner for each forty banks subject to examination by or under the direction of the Commissioner, each to be paid a salary not to exceed \$2000 per annum; provided, said salaries and expenses shall be paid out of the proceeds of fees charged for examination of banks subject to examination by the Commissioner; provided, further, that all fees collected for such examinations, or so much as may be necessary, are hereby appropriated to pay the salaries and necessary traveling expenses of said bank examiners.

Provided, that the head of such department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenues for the Department of Insurance and Banking during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and any surplus

shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or any obligations incurred in excess of the amounts herein appropriated.

It is hereby provided that all merchants or traders of every character dealing with any of the departments or institutions or the State Purchasing Agent of this State deal therewith with statutory notice hereby given, that all sales made are subject to the conditions of this bill, in that there must be, at the time of such sale, funds by this act created, or otherwise legally authorized to the credit of the particular department or institution and for the item corresponding with the character of the supplies furnished or upon which account contracts are made, to pay for any and all supplies and contracts; and all parties so dealing with said departments, institutions or the State Purchasing Agent are doing so at their peril of losing their account or accounts unless there are at the time of such dealing, sale or transaction, the necessary funds appropriated, or otherwise legally authorized to the department, institution or Purchasing Agent, with which to discharge said indebtedness of said department, institution or Purchasing Agent, and all sales made contrary to the provisions of this act are hereby declared void and not enforceable.

Provided, that the appropriations made by the Thirtieth Legislature under the Department of Banking and Insurance for the maintenance of the State Library not heretofore expended shall not be available for any purpose, but shall revert back to the State Treasury.

TEXAS LIBRARY AND HISTORICAL COMMISSION.

Salary of Librarian.....	\$1,500	\$1,500
Salary of assistant librarian and cataloguer	1,200	1,200
Salary of porter	480	480
Books for State Library	500	500
Gathering historical data	500	500
Subscriptions to newspapers and periodicals..	250	250
Binding and repair	400	400
Stationery, library supplies, postage, freight, etc.	250	250
Traveling expenses	100	100
Collecting and disseminating information about public libraries..	50	50

Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs, tables and chairs for reading room; office furniture; filing cabinets for legislative reference section; card catalogue cases; gratings over windows in manuscript room; cases for Texas, Mexican and Confederate flags, etc., the appropriation to be expended in two years..	3,000	
Telephone rent	48	48
Contingent expenses, including typewriter ...	200	100

Total \$8,478 \$5,378

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas Library and Historical Commission for the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF AGRICULTURE.

Salary of Commissioner..	\$2,500	\$2,500
Salary of chief clerk...	1,500	1,500
Salary of stenographer and typewriter	1,200	1,200
Salary of porter	480	480
Furniture (desks, chairs, tables and files)	250	250
Stationery, postage, expressage, telegraphing.	1,500	1,500
Telephone rent	48	48
Traveling expenses	600	600
Collecting, compiling and disseminating agricultural information ..	12,000	12,000
Enforcement of orchard and nursery inspection law, to be expended in two years	5,000	
Contingent expense....	100	100
Conducting Farmers' Institute work	2,500	2,500

Total \$27,678 \$22,678

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of

Agriculture during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations be incurred in excess of the amounts herein appropriated.

It is hereby expressly provided that all appropriations provided herein for new buildings shall be construed to mean for such buildings complete, unless otherwise specified; and

Provided further, that no surplus shall be diverted from any account to any other account, and the money appropriated, or so much thereof as may be necessary, shall be applied to the payment of each item for which the appropriation is respectively made, and nothing else. No deficiency shall be created, nor shall any warrants be issued, nor any obligations be incurred in excess of the amounts herein appropriated.

Provided, that the Governor, in case of an extraordinary emergency, may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. This provisions shall apply to all State institutions and departments.

All money appropriated by this act shall remain in the State Treasury and be paid out only as it is expended or as the necessity or emergency may require.

By the use of the word "maintenance" in any provision or section of this bill, is intended to mean, and shall mean and be construed, as and for the support of the several institutions named, and not the construction or for the repairs of any building or other improvements for, or of, said institution, and no warrant shall be drawn or paid on said maintenance fund, except for the purposes herein stated.

Nothing in this act shall be held to repeal or impair the authority conferred by Chapter 46 of the Acts of the Twenty-fifth Legislature, Regular Session, on pages 46 and 47 thereof, providing for the creation of deficiencies, and authorizing the Governor to act in cases of emergency. And it is further provided, that it shall be unlawful for the head of any department of this State for the support of which any money is appropriated by this act, to approve any claim, or for the Comptroller of this State to draw any warrant for the payment of any claim for money appropriated by this act, or for the Treasurer of this State to pay any money appropriated by this act, for services per-

formed after this act takes effect to any person employed in any of the departments of the State Government who may be related within the third degree of consanguinity or affinity to the head of the department who has the power in whole or in part to make such appointment, and any person violating this provision of this act, upon conviction thereof, shall be punished as provided by the law passed at the session of the Thirtieth Legislature prohibiting nepotism.

Provided further, that the head of each department of this State for which an appropriation is herein made, shall from and after the taking effect of this bill, require each and every employee to work not less than eight full hours each and every work day, and for every day or part thereof he fails to do work, he shall have deducted from his salary or wages the time so lost, unless he or she was sick or physically disabled from performing such duties; provided that the employees in the departments located in the Capitol building at Austin and the General Land Office, shall be entitled to vacation not to exceed ten days in any one year without any reduction of salary.

Provided further, that all buildings for the erection and equipment of which appropriations have been made under this act, and all improvements and repairing of any public building, shall be erected and made under the direction, management and supervision of a competent architect, to be appointed by the board of managers of the institution for which said improvement is made, and approved by the Governor, whose fees and salary shall be deducted from the respective appropriations made for such purpose, not to exceed \$2500 per annum, and he shall perform such duties in relation thereto as may be directed by said board. Bids to erect, equip or repair such buildings shall be let by said board to the lowest responsible bidder, notice of which shall be given in some daily paper in this State; the contractor shall enter a good and solvent bond, payable to the president of said board at his place of residence, conditioned that he will do the work contracted for according to the plans and specifications to be furnished by said architect, and use such materials in the construction or repair of said buildings as may be called for in said plans and specifications. Said board shall have general supervisory control over such improvements jointly and in connection with said architect, one-fourth to be paid when

the work begins and the material is on the ground, and the other three-fourths to be paid as the judgment of said board may deem proper; provided, the Comptroller shall not issue any warrants except upon an itemized statement, sworn to by the contractor and approved by the said board and architect as a voucher for same, which shall be filed with the Comptroller. And it is expressly provided, that where a new building and equipment or additions to old buildings are provided for in this act, the same shall be completed in all their parts, and no plans and specifications shall be accepted by the board of any institution that will involve a greater outlay of money to fully complete any building and all equipments and appurtenances thereto than the several amounts herein appropriated for that purpose. And provided further, That all architects employed as herein provided for shall execute and deliver to the board of managers of the State institution for which improvements and repairs are to be made a good and sufficient bond, payable to the Governor of the State, in such amount as such board of managers may require, conditioned that such architect shall be liable and bound to pay the State all such damages as it may sustain by reason of defective plans and specifications or for any wilful failure or negligent performance of duty.

Provided further, that where it appears to the board of managers of the Deaf and Dumb Asylum, the Blind Institute, and the Deaf and Dumb and Blind Asylum (colored) that the parent, guardian or person having proper custody of a child attending either of said institutions, who is financially able to provide for such child, a reasonable fee shall be charged for said child's board and clothing.

MISCELLANEOUS ITEMS.

Miscellaneous items which may be paid upon the taking effect of this act:

To refund to various railway companies the gross receipts tax paid by them to the Treasurer of the State of Texas under Chapter 141 of the Acts of the Twenty-ninth Legislature, which act has been declared by the courts to be unconstitutional (said tax paid for the year 1905) ...\$28,854 58

To refund to various railway companies the gross receipts tax paid by them to the Treasurer of the State of Texas for the year 1906, under Chapter 141 of the Acts of the Twenty-ninth Legislature, which act has been declared by the courts to be unconstitutional 7,555 41

To refund the liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their licenses in local option districts up to August 31, 1911 15,000 00

To pay Clark & Courts, Galveston, Texas, account Court of Civil Appeals, Sixth District, dated September 15, 1908 61 80

To pay J. S. Gaines, account Court of Civil Appeals, Sixth District, dated October 10, 1908. 32 40

To pay Texas Printing Company, account Court of Civil Appeals, Fort Worth, dated February 8, 1909 107 05

To refund certain franchise taxes paid by Fidelity Insurance, Casualty and Bonding Companies to the Secretary of State, under the Acts of 1897, said taxes having been collected after said act had been repealed by act of the Twenty-ninth Legislature 422 00

To refund fees and taxes unlawfully collected on claims approved by the Commissioner of Insurance and Banking and the Attorney General.. 104 10

To refund filing fees paid by beneficiary associations of other States for the year 1908, no license having been issued to said associations 54 00

To refund excess occupation tax paid for the year 1908 by the Western Assurance Company of Toronto 42 08

To refund excess occupation tax paid for the year 1908 by British America Assurance Company	47 76	J. L. Wright, for error in assessing taxes in Hill county	16 25
To pay unpaid contingent expenses, Department of Insurance and Banking	10 05	D. R. LeMaster, for funeral expenses of Confederate soldiers ..	21 80
To pay Maverick-Clarke Lithographing Company of San Antonio, supplies furnished Court of Civil Appeals during years 1904, 1905 and 1906	224 25	W. W. Hardy, for witness fees and mileage in case of State vs. Jack Hardy	4 98
To pay Commercial Recorder Company for material furnished Court of Civil Appeals, Fourth District, January 15, 1908	35 25	Texas Company, for fuel oil for State Lunatic Asylum	174,77
To refund J. M. Brown & Co. the unused portion of tax of \$50 paid, in accordance with Article 5049, Subdivision 28, repealed by Act of the Thirtieth Legislature, before license expired	33 40	Slayden-Kirksey Woolen Mills, for clothing for North Texas Insane Asylum in the year 1907	350 00
J. S. Kendall for salary as principal of North Texas State Normal for July and August, 1902.	416 66	To refund the State portion of liquor licenses under Sections 7 and 16, Chapter 138 of the Acts of the Thirtieth Legislature, for the two years ending August 31, 1911	2,500 00
Lawyers Co-Operative Publishing Company, for books for Court of Civil Appeals, Fort Worth... ..	173 50	To refund to the Citizens' Railway Company of Waco, Texas, the amount of franchise taxes paid by said company, to which it was not subject and erroneously paid by it	253 50
Judge Howard F. O'Neal for services as special judge of the Court of Criminal Appeals	90 20	To pay claim of American Engineering Specialty Company for system of steam circulation and attachments for State Capitol Building	3,500 00
J. B. Cave, for balance paid by him for Court of Criminal Appeals..	13 70	For the purchase and payment of a portrait of David Crockett, painted by W. H. Huddle, or so much thereof as may be necessary	5,000 00
W. R. Davie, for balance due as salary while serving as Tax Commissioner ..	41 65	To pay the Higgins Oil and Fuel Company for three cars of oil furnished the State Lunatic Asylum, Austin, being cars Nos. 156, 160 and 170, presented in their claim against the State	644 58
Link Craddock and Dalton, for refund of liquor dealer's tax on gross receipts	15 90	To refund to the Security Mutual Life Insurance Company the amount of franchise tax erroneously paid by said company for the year 1905	25 00
A. L. Ledbetter, Sheriff of Dallas county, for fees due in running down and conviction of a criminal in said county ..	130 20		
Texas Company, for balance due on a carload of fuel oil for the Deaf and Dumb Asylum ..	99 84		

To pay Robinson Bros. supplies for the colored Deaf, Dumb and Blind Asylum at Austin ..	39 67
To pay Southwestern Oil Company for oil furnished the Southwestern Insane Asylum at San Antonio.....	150 83
To pay the Terrell Grocery Company for supplies furnished the State Lunatic Asylum.	504 34
To pay Swift and Company for supplies furnished the State Lunatic Asylum at Austin.	124 80
To pay W. D. Twitchell for surveying fees and copying field notes for the State	17 50
To pay Higgins Oil and Fuel Company for freight on car of oil for the State Orphans' Home at Corsicana....	55 20
To pay Waters & Hail for a refund of unearned occupation tax as liquor dealers	281 09
To pay Waters-Pierce Oil Company for oil for the State Orphan Home at Corsicana	54 02
To refund taxes paid by sundry persons, companies or associations under Section 11, Chapter 148, Acts of the Twenty-ninth Legislature, known as the "Kennedy bill," which act has been declared unconstitutional by the courts	1,224 60
To erect a monument at Gonzales, Texas, at some place on the public square that may be selected in memory of this as the birthplace of Texas independence, and in memory of those who made this spot historic in the first battle of the Texas Revolution; under the supervision of the Governor, Attorney General and Comptroller, who are authorized and instructed to enter into contract or contracts, for the purpose of this appropriation..	5,000 00

To pay T. J. Pritchard, sheriff of Limestone county, expense incurred in conveying attached witnesses to district court in Bosque county, September term, 1908.	43 41
To pay and reimburse the city of Austin in the amount of one-half of the cost of a storm sewer on West Eleventh street from Congress avenue to Colorado street and north on Colorado street to Thirteenth street	545 28
To refund unused portions of liquor dealers' licenses, erroneously issued in Navarro county, believed to have been legally authorized under the provisions of Chapter 138 of the laws of the Thirtieth Legislature, the amounts to be refunded to be calculated in proportion to the total sums paid as the number days such licenses were unused are to the total number of days for which such licenses were issued	5,000 00
To pay assistant district attorneys for fiscal year ending August 31, 1909	1,000 00
Salary of clerk of Court Criminal Appeals, from June 14 to September 1, 1909	520 83
Salary of deputy clerk Court of Criminal Appeals, June 14 to September 1, 1909.....	416 66
To pay H. Bascom Thomas mileage due him under Section 24, Article 3 of Constitution of the State of Texas	116 00
To refund National Union Insurance Company of Pittsburg for overpayment of taxes year 1905	62 79
To pay Globe & Rutgers Fire Insurance Company franchise tax unlawfully paid for 1905.....	130 00
Total	\$84,065 13

TEXAS LIBRARY AND HISTORICAL COMMISSION.

For the year ending August 31, 1909:		
Salary of Librarian.....	\$625 00	
Salary of Assistant Librarian..	500 00	
Salary of porter.....	150 00	
Shelving for State Library....	402 00	
Books for State Library.....	316 20	
Gathering historical data.....	308 55	
Subscriptions to newspapers and periodicals	50 00	
Binding and repair.....	100 00	
Stationery, library supplies, postage, express, freight, etc	100 00	
Traveling expenses	50 00	
Collecting and disseminating information about public libraries	50 00	
Telephone rent	20 00	
Contingent expenses	50 00	

Total\$2,721 75

Sec. 2. The fact that the Second Called Session of the Thirty-first Legislature is nearing its close, and the further fact that the appropriations herein provided for are necessary to the maintenance of the State Government, creates an emergency and an imperative public necessity that this bill be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and the rule is therefor suspended, and this act shall take effect from and after its passage, and it is so enacted.

RECAPITULATION.

Executive Office	\$23,166	\$20,616
Mansion and Ground. .	3,450	1,450
State Revenue Agent..	4,275	4,175
State Department	14,880	14,580
Treasury Department .	28,180	28,180
Comptroller's Department ..	63,230	62,855
Commissioner of Pensions ..	2,500	2,500
Attorney General's Department ..	40,030	24,530
State Tax Board	4,250	4,050
General Land Office ..	81,190	80,690
State Department of Education ..	21,330	21,330
Public Buildings and Grounds ..	40,535	38,535
State Purchasing Agent	5,080	5,080
Adjutant General's Department ..	77,255	50,180
Public Printing	32,650	32,650
University of Texas..	230,000	230,000
Medical Department at Galveston ..	55,000	55,000

Sam Houston Normal Institute ..	72,500	47,500
North Texas State Normal ..	89,500	47,500
Southwest Texas Normal at San Marcos..	64,000	47,500
Girls' Industrial College ..	82,075	38,825
Agricultural and Mechanical College	199,750	114,250
Prairie View Normal.	52,350	26,850
Texas State Board of Health ..	62,275	56,475
Fish and Oyster Commission ..	2,650	2,450
Live Stock Sanitary Commission ..	15,000	15,000
State Mining Board..	4,300	4,300
Pure Food Commission ..	10,200	10,200
Bureau of Labor Statistics ..	4,450	4,450
Supreme Court	20,070	20,070
Court of Criminal Appeals ..	23,528	23,278
Court of Civil Appeals, First District.	13,150	13,050
Court of Civil Appeals, Second District.	13,850	12,850
Court of Civil Appeals, Third District..	12,885	12,885
Court of Civil Appeals, Fourth District.	12,950	12,950
Court of Civil Appeals, Fifth District..	12,850	12,850
Court of Civil Appeals, Sixth District..	13,300	12,950
Judiciary	767,600	767,600
Pensions	523,000	521,000
Public Debt	146,265	146,265
State Orphan Home....	74,180	51,780
State Lunatic Asylum	284,950	230,850
Southwestern Insane Asylum	270,100	172,000
North Texas Hospital for Insane	352,810	306,010
Epileptic Colony	100,170	72,470
Blind Institute	99,405	71,255
Deaf and Dumb Asylum	123,035	93,620
Railroad Commission ..	38,180	38,180
State Penitentiaries ...	12,000	12,000
State Institution for the Training of Juveniles	94,400	57,800
Confederate Home	90,390	80,890
Deaf, Dumb and Blind Asylum (Colored) ...	25,320	23,320
Department of Insurance and Banking...	30,140	28,640
Texas Library and Historical Commission ..	8,478	5,378

Department of Agriculture	27,678	22,678
Miscellaneous	84,065.13

Total	\$4,660,800.13	\$3,914,320
Total first year.....	\$4,660,800.13	
Total second year.....	3,914,320.00	

Grand total	\$8,575,120.13
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Committee Room,
Austin, Texas, April 22, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act to amend the city charter of the city of Texarkana, Texas, and the acts amendatory of said city charter, and to amend an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of ten thousand and over of inhabitants, to grant to the city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,' passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, by adding thereto Section 192a, requiring railroad companies owning or operating railroad tracks across Elm street, Oak street and Spruce street in said city to construct a viaduct on one of said streets, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do not pass, for the following reasons: It is admitted that Section 57 of Article 3 of the Constitution requiring publication of notice as to application for local or special laws was not complied with. Section 56 of Article 3 and Section 5 of Article 11 of the Constitution designate amendments to city charters as special laws, and while the showing made before the committee would indicate that the relief asked should be granted and justify a favorable report, yet, upon this constitutional objection alone, the committee makes this adverse report.

SENTER, Chairman.

(Floor Report.)

Austin, Texas, April 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads,

Bridges and Ferries, to whom was referred

Senate bill No. 38, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such and providing for their compensation as such road commissioners, and providing for the working of county convicts upon public roads of said county, and the fees of officers in such cases, and providing for the amount of time overseers shall allow road hands for their teams and road work, and providing for the payment of \$5.00 in lieu of road service; and providing for the working of delinquent poll tax payers on the public roads; providing for condemnation of land for public road purposes; and providing, further, making this law cumulative of the General Laws, and in case of a conflict this act to govern as to Wood county, Texas, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Mayfield, Veale, Paulus, Terrell of McLennan, Senter.

Committee Room,
Austin, Texas, April 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 34, A bill to be entitled "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to provide the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judge of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this

act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District, to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, April 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 37, "An Act to amend Section 7, Chapter 55, page 509, Special Laws of the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1907, entitled 'An Act creating and incorporating the Lubbock Independent School District, in Lubbock county, Texas; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect a tax, not exceeding one-half of one per cent on a one hundred dollars valuation of all property in said district, and providing an emergency,'"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Senter:

Venus, Texas, April 24, 1909.

To the Legislature of Texas.

As citizens and taxpayers of Texas, loyal to her interests and earnest in the purpose that her legislation should be both wise and efficient, we emphatically protest against the passage of the Cureton-Mobley bank guaranty bill, or any other bill embodying the same principles.

We do not oppose, but favor, practical legislation that will require State banks of this State to individually furnish such security or indemnity, as may be

provided by law, as will afford their depositors absolute protection. We know that such legislation will result in such protection; that it is within the power of the State to enact it; and that the wisdom of the Legislature may be entrusted with its provisions. Not only will such a law protect depositors, but it will accord with sound principles by justly placing the burden of such protection upon the individual banks, requiring each to stand upon its own merits without fictitious advantage, and to answer for its own liabilities.

The effectiveness of such a law to accomplish security for bank depositors removes any pretext for the enactment of the Cureton-Mobley bill, which directly violates the fundamental doctrine of individual merit and individual responsibility by making all State banks answerable for the debts of one—the very essence of Socialistic creed and practice.

The needs of Texas do not require resort to these alien doctrines—always prolific in promise, but always disappointing in actual results; her business honor and integrity deserve no such reproach; and as citizens we protest against her legislative authority being converted into an experimental field for their exploitation.

Numerously signed.

By Senator Harper:

Wortham, Texas, April 24, 1909.

To Hons. A. J. Harper and J. Ross Bell,
Austin, Texas.

We, the undersigned, citizens of Wortham and vicinity, respectfully request that you use all honorable means within your power to secure the passage of the Meachum-Greer guaranty bill, amended so as to make it obligatory that all State banks come under this law.

Numerously signed.

ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, April 28, 1909.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Peeler.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Perkins.	Sturgeon.
Real.	

Prayer by the Chaplain of the House,
Rev. W. J. Joyce.

Pending the reading of the Journal of
yesterday, on motion of Senator
Weinert, the same was dispensed with.
Morning call concluded.

SENATE BILL NO. 12.

The Chair laid before the Senate, on
second reading and regular order,

Senate bill No. 12, A bill to be entitled
"An Act to amend Sections 4, 8 and
10, and to repeal Section 9 of Chapter
137 of the General Laws of the Thir-
tieth Legislature, page 254, entitled
'An Act changing the official title of the
State Fish and Oyster Commissioner to
Game, Fish and Oyster Commissioner;
providing for his salary and fixing his
additional powers and duties; providing
for a hunting license for non-resident
hunters; providing that funds received
from the sale of hunting licenses and
fines received from prosecutions for a
violation of the game and bird laws
shall be used only for the protection
and propagation of birds and game, and
all the salaries and expenses provided
by this act; and providing for the en-
forcement of the game and bird laws
of this State, and providing penalties
for the violation thereof; prescribing
duties of the Game, Fish and Oyster
Commissioner and his deputies; provid-
ing for collection and disposition of fines
and license fees; prohibiting hunting
without license; providing that county
clerks shall issue hunting licenses; pro-
viding fees, requiring reports and es-
tablishing duties of commissioners,
clerks and Comptroller."

(Senator Mayfield in the chair.)

The bill was read, and Senator Hud-
speth offered the following amendment,
which was read and adopted.

Amend the bill by adding the follow-
ing section to be known as Section 6:

"Section 6. The fact that the present
game law does not adequately protect
the wild game of our State from whole-
sale slaughter, creates an emergency that
the constitutional rule requiring bills to
be read on three several days be sus-
pended, and it is so suspended, and this
act take effect from and after its pas-
sage."

Senator Masterson offered the follow-
ing amendment, which was read and
adopted:

Amend Section 8 of the bill by strik-
ing out the words "he desires to hunt,"
in line 26, as Section 8 appears in Jour-
nal, and insert in lieu thereof the words
"he resides."

MASTERSON,
PEELER,
ALEXANDER.

Senator Weinert offered the following
amendment, which was read and
adopted:

Amend Section 8, by adding after the
words "protected by the game laws of
this State" the following: "On prem-
ises not his own or under his control."

Senator Brachfield offered the follow-
ing amendment:

Provided, that the license fee here
charged shall not be collected from any-
one except those hunters killing deer
and turkeys, and not against those
hunting birds in season.

BRACHFIELD,
TERRELL of McLennan.

Senator Hudspeth moved to table the
amendment, which motion to table was
adopted by the following vote:

Yeas—17.

Adams.	Masterson.
Alexander.	Peeler.
Bryan.	Senter.
Cofer.	Terrell of Bowie.
Greer.	Veale.
Hayter.	Ward.
Hudspeth.	Watson.
Hume.	Willacy.
Kellie.	

Nays—0.

Brachfield.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Thomas.
Murray.	Weinert.
Paulus.	

Absent.

Harper.	Real.
Meachum.	Sturgeon.
Perkins.	

Senator Terrell of McLennan offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding thereto the following, "and declaring an emergency."

Senator Willacy offered the following amendment:

Amend the bill by adding at the end of Section 8 the following: "Provided, the open season for hunting quail and turkey shall be from the first day of December to the first day of the succeeding March in all counties lying north of the north boundary lines of the following counties: El Paso, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Comanche, Erath, Bosque, Hill, Limestone, Freestone, Anderson, Cherokee, Rusk and Panola, and the open season for hunting quail and turkey shall be from the first day of November to the first day of the following February in all counties south of the north boundary lines of the following counties, to-wit: El Paso, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Comanche, Erath, Bosque, Limestone, Freestone, Anderson, Cherokee, Rusk and Panola."

Senator Brachfield offered the following amendment to the amendment:

Amend the amendment by striking out "Rusk and Panola" whenever it occurs in the bill, and by adding the counties of Nacogdoches and Shelby in their places.

The amendment to the amendment was adopted.

Senator Senter offered the following amendment to the amendment:

Amend the bill by adding at the end of the amendment of Senator Willacy the following: "Providing further, that the open season for hunting doves shall be from the 15th day of August to the first day of March in all counties of the State."

ALEXANDER,
SENER.

The amendment to the amendment was adopted.

Action recurred on the amendment, as amended, and Senator Hume moved to table same.

The motion to table was lost.

The amendment, as amended, was then adopted.

Senator Terrell of Bowie offered the following amendment, which was adopted:

Amend the caption of the bill by

adding thereto the following, before the words "and declaring an emergency": "The open season in certain portions of the State for hunting doves, quail and turkey, and providing the season during which deer may be killed, and repealing all parts of laws in conflict therewith."

WILLACY,
TERRELL of Bowie.

Bill read second time, and ordered engrossed.

Pending discussion on the bill, Senator Hudspeth moved to reconsider the vote by which the bill was ordered engrossed, which motion was adopted.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by striking out of Section 10 the following language:

"If there be a resident deputy game fish and oyster commissioner in any such county, he shall be entitled to receive a fee of fifty cents out of the amount of each license issued, which shall be paid monthly out of said special fund upon warrant of the Comptroller, based upon the verified account of such deputy and approved by the county clerk, and State Game, Fish and Oyster Commissioner; provided, that no such fees shall be paid for any month until the report and remittances of the county clerk have been made in accordance with the provisions of this act."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Cofer.	Peeler.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—3.

Brachfield.	Thomas.
Harper.	

Absent.

Bryan.	Perkins.
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Real. **Sturgeon.**
Senter.

The bill was read third time and passed by the following vote:

Yeas—17.

Alexander.	Murray.
Bryan.	Paulus.
Greer.	Peeler.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	

Nays—9.

Adams.	Mayfield.
Brachfield.	Stokes.
Cofer.	Thomas.
Harper.	Weinert.
Holsey.	

Absent.

Perkins.	Sturgeon.
Real.	Willacy.
Senter.	

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 28, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House bill No. 17, and requests the appointment of a Free Conference Committee.

The following has been appointed on the part of the House: Messrs. Maxwell, Tarver, Ridgway, Harman and Bowman.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 18.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form

an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Pending discussion on the bill, Senator Peeler moved that the further consideration of the bill be postponed until next Monday morning after the morning call.

The motion prevailed.

SENATE BILL NO. 38.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 38, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas," etc.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Bryan.	Sturgeon.
Kellie.	Ward.
Perkins.	Willacy.
Real.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Hayter.
Cofer.	Holsey.

Hudspeth.	Senter.
Hume.	Stokes.
Masterson.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Thomas.
Murray.	Veale.
Paulus.	Watson.
Peeler.	Weinert.

Absent.

Bryan.	Sturgeon.
Kellie.	Ward.
Perkins.	Willacy.
Real.	

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 58, "An Act to amend the city charter of the city of Greenville and the acts amendatory of said city charter of the city of Greenville, and to amend an act to amend said charter, approved the 22d day of March, 1909, by amending Section 1 of Article 3, Section 13a of Article 8 and Subdivision 18 of Section 15 of Article 8, and declaring an emergency."

RECESS.

On motion of Senator Terrell of Bowie, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

ADJOURNMENT.

There being nothing on the calendar, on motion of Senator Kellie, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,

Austin, Texas, April 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk Penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, April 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Internal Improvements, to whom was referred

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk Penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condem-

nation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, but that the following in lieu thereof do pass:

A BILL

To Be Entitled

An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at the Rusk Penitentiary; for its maintenance, equipment and operation and for the sale of said railroad by said board, and providing that \$200,000 shall be set aside out of any fund to the credit of the general revenue of the State in the State Treasury to be used for the purpose of completing said railroad to the town of Palestine and to properly equip said railroad and also for the purpose of taking up and redeeming twenty bonds of face value of \$150,000, authorized and issued by virtue of Chapter 74 of the Acts of the Thirtieth Legislature, and to pay the interest thereon, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That for the purpose of securing the means with which to complete and equip the railroad from Rusk to Palestine, now owned by the State and securing the repayment of the money advanced for use in building same, as provided for in Chapter 74 of the Acts of the Thirtieth Legislature, there shall be and is hereby set aside and appropriated out of any funds to the credit of the general revenue now in the State Treasury the sum of \$200,000, which shall be paid out for the purposes hereinafter stipulated upon

warrants drawn by the Comptroller of Public Accounts. •

Sec. 2. The sum of \$50,000 of said amount set aside under the provisions of Section 1 hereof shall be paid over by the Comptroller of Public Accounts to the Board of Penitentiary Commissioners, as required by said board upon its written orders therefor, to be used by said board for the purposes of completing to the town of Palestine the railroad now owned by the State and extended from the town of Rusk, and to pay all charges that may be necessarily incurred in connection therewith, and to equip said railroad with suitable and sufficient rolling stock.

Sec. 3. The sum of \$150,000, or so much thereof as may be necessary, set aside and appropriated under the provisions of Section 1 hereof shall be used by the Comptroller of Public Accounts for the purpose of taking up and redeeming twenty bonds, aggregating said amount, authorized by and issued in virtue of Chapter 74 of the Acts of the Thirtieth Legislature.

Sec. 4. The Board of Penitentiary Commissioners shall be authorized, and it is hereby made their duty to complete to the town of Palestine the said railroad owned by the State as speedily as practicable. When said railroad shall be completed to the town of Palestine, it shall be the duty of the Penitentiary Commissioners to advertise the same for sale, by giving notice thereof in at least three daily newspapers published in the State of Texas and in at least one daily newspaper published in the city of New York. Said railroad shall be sold either at public or private sale under conditions as to terms and with respect to all other matters relating thereto as may be fixed by the Board of Penitentiary Commissioners; provided, that the selling price shall not be less than \$15,000 per mile, including the rolling stock and other appurtenances thereof.

Sec. 5. When said railroad shall be sold as herein provided for the proceeds shall be appropriated:

1. To the repayment to the general revenue of the amount used out of the appropriation herein made for the completion of said railroad and for the taking up of the bonds issued therefor under the provisions of Chapter 74 of the Thirtieth Legislature.

2. The remainder of the proceeds of the sale of the railroad shall be deposited in the State Treasury to the credit of the penitentiaries, to be used and appropriated as any other proceeds of operation of the penitentiaries; pro-

vided, that the sum of \$100,000 shall be, and is hereby set apart specifically out of such proceeds for the purpose of placing in full and active operation the iron furnaces in the penitentiary at Rusk.

Sec. 6. The fact that there now exists no law providing for the means to complete the railroad owned by the State to the town of Palestine, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SENTER,
MURRAY,
HUME.

PETITIONS AND MEMORIALS.

By Senator Weinert:

Seguin, Texas, April 21, 1909.

We, the undersigned constituents of the Hon. F. C. Weinert, Senator from this senatorial district, desire to express our confidence in the judgment and ability of our Senator, and to declare that we have full faith in his unswerving Democracy, his allegiance to the party tenets, and his unquestionable capacity to interpret them. We desire to offer no instructions to him upon pending legislation, because we elected him seeking to avail ourselves of his wisdom and his capacity to protect and further our interests and those of our great State. We believe in legislation providing for safe, wise and conservative banking institutions in this State, and that the party's principles as announced in its platforms should be a guide to its representatives; but in enacting these principles into law we believe it unsafe and unwise to ask our representatives to yield their interpretation of platform principles, and we reiterate our reliance upon the capacity of our Senator to wisely exercise his judgment in seeking to carry out the party's principles on this, as on all other questions.

Numerously signed.

By Senator Meachum:

To the Hon. McDonald Meachum, Member of the Senate of Texas, now in Session.

We, the undersigned citizens of Grimes county and your supporters, believing you at all times receive the views of your constituents with an eye single

to legislation to the best interest of the public, and especially to your district, respectfully represent: That we feel it our duty to advise you that we are opposed to the bill now pending before the lower House to build a State railroad and issue bonds therefor and the State School Board ordered to buy these bonds with the permanent school fund. We believe this a departure from the policy of our forefathers and a dangerous investment and a speculation on that sacred fund; therefore, as your supporters, we earnestly request that in your usual vigor you oppose the passage of such a bill should it reach the Senate.

Numerously signed.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, April 29, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masteron.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Harper.	Real.
Hudspeth.	Senter.
Perkins.	Sturgeon.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 40, A bill to be entitled "An Act to further and better define the status and title of the public free school lands heretofore granted to the several counties of the State of Texas for public free school purposes and the proceeds from the sales, leasing or renting of such lands; to provide for the investigation by the Superintendent of Public Instruction of all lands heretofore granted to the several counties in this State for public free school purposes; the disposition made of said lands or any part thereof, and the proceeds of said lands; to authorize the institution of suit or suits in the name of the State for the use and benefit of the public free school fund of the counties of this State for the recovery of all such lands illegally sold, or otherwise unlawfully disposed of, and to restore and secure to the public free school fund of the several counties of the State the said lands and proceeds of all such lands, which have been in any manner illegally sold, misused, misapplied or misappropriated; providing for the investment of such proceeds and the safe keeping and deposit thereof; defining misappropriation and misapplication of the proceeds of all such lands or of such funds; authorizing the sale of said land, and fixing a penalty for diverting and misappropriating and misusing such proceeds or funds; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 14, A bill to be entitled "An Act to grant a charter to the city of Amarillo, Potter county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 27, A bill to be entitled "An Act to amend an act creating an independent school district to be known as Corpus Christi Independent School District," etc.

House bill No. 48, A bill to be entitled "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts."

House bill No. 41, A bill to be entitled "An Act to provide for appeal upon bill

of exceptions, and prescribing the procedure in such cases."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for caption of):

House bill No. 14, referred to Committee on Towns and City Corporations.

House bill No. 48, referred to Committee on Judicial Districts.

House bill No. 41, referred to Judiciary Committee No. 1.

House bill No. 40, referred to Committee on Public Land and Land Office.

HOUSE BILL NO. 2.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 2, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twentieth Legislature of the State of Texas and known as the State Banking Law; providing additional safeguards for the protection of the depositors and other creditors of such institutions; providing that all institutions shall be mutually liable pro rata within certain limitations for the payment of the liabilities of each such institution to its guaranteed depositors, and defining the guaranteed deposits and the guaranteed depositors of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State bank guaranty fund, and for its maintenance and use in the payment of guaranteed depositors of such institutions; providing for the making good of any impairment of the capital stock of such in-

stitutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board to close and take possession of the property and business of such institutions, and providing for their liquidation, and for the payment of their liabilities to their guaranteed depositors out of the State bank guaranty fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensation; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract or wilfully misapply its money, funds or securities, or to issue evidences of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet, any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof;

providing that National banking associations shall avail themselves of certain provisions of this act, and providing that any bank or trust company created by virtue of a special act of the Legislature of Texas under certain conditions may avail itself of the provisions of this act; to prohibit any officer or employee from becoming indebted to or financially interested, other than as a depositor, in any State bank or State banking and trust company, and providing for penalties for violations; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency."

Senator Alexander moved that the above bill be laid on the table subject to call.

There being an adverse majority committee report and a favorable minority committee report on the bill,

Senator Meachum moved, as a substitute, for Senator Alexander's motion to adopt the minority committee report.

Senator Murray made the point of order on Senator Meachum's motion that a motion to lay a bill on the table subject to call could not be substituted.

The Chair sustained the point of order.

Action then recurred on the motion by Senator Alexander, which motion was adopted by the following vote:

Yeas—16.

Adams.	Peeler.
Alexander.	Terrell of Bowie.
Hayter.	Terrell of
Hume.	McLennan.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—8.

Brachfield.	Mayfield.
Bryan.	Stokes.
Cofer.	Thomas.
Holsey.	Veale.

Absent.

Greer.	Real.
Harper.	Senter.
Hudspeth.	Sturgeon.
Perkins.	

SENATE BILL NO. 4.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

The bill was read, and there being an adverse majority committee report and a favorable minority committee report,

Senator Alexander moved to substitute the minority committee report for the majority committee report, which motion was adopted by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hume.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Hudspeth.	Sturgeon.
Real.	

PAIRED.

Senator Kellie (present), who would vote "yea," with Senator Perkins (absent), who would vote "nay."

Senator Terrell of McLennan offered the following amendment:

Amend the bill by striking out all after the words "A bill," and insert the following:

A BILL

To be entitled

An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; pro-

viding for a depositors' guaranty fund, and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for bonds for securing deposits, and providing that all banking corporations which avail their depositors of the protection provided for by this act, either by the depositors' guaranty fund or by bond at their option; providing that all National banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this act; amending Section 44, Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every corporation heretofore incorporated, or which may hereafter be incorporated under the laws of this State with banking and discount privileges, and each banking and trust company in this State incorporated, or that may hereafter be incorporated under the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, shall at its option protect its depositors in the manner hereinafter prescribed, either by availing itself of the depositors' guaranty fund hereinafter provided for, or by the depositors' bond security system hereinafter set forth.

Sec. 2. A State Banking Board is hereby created, which board shall be composed of the Governor, Lieutenant Governor, Commissioner of Insurance and Banking, Comptroller and Treasurer of this State. Said board shall have the control and management of the depositors' guaranty fund hereinafter provided for, and shall have the power to adopt all necessary rules and regulations, in harmony with this act, for the management of said fund, said board shall have general supervision and control of the depositors' bond security system herein provided for, and

shall have the power of regulation, control and supervision of all State banking corporations and trust companies as hereinafter provided in this act.

Sec. 3. Each and every bank and trust company mentioned in Section 1 of this act shall have the right and privilege, at its option, to secure its depositors by the manner, methods and under the terms, provisions and regulations as set forth in this act for the depositors' guaranty fund or the bond security system; provided, that all such banks and trust companies shall secure their deposits by one of said plans on January 1, 1910; and provided further, that such option shall be exercised on or before December 1, 1909, and the president or cashier of such bank shall notify the Commissioner of Insurance and Banking by registered mail of such action.

Sec. 4. Any such bank or trust company which shall elect to secure its deposits under the depositors' guaranty fund provided for by this act, shall pay to said banking board, providing its application is approved by said board as hereinafter prescribed in Section 7 of this act, on January 1, 1910, 1 per cent of its daily average non-interest bearing deposits, for the preceding year not including United States, State or other public funds, if otherwise secured, nor deposits of other banks and trust companies, for the purpose of creating a depositors' guaranty fund. Annually, after the first payment to said fund, each bank and trust company subject to the provisions of this act shall pay to said board one-fourth of 1 per cent of its daily average deposits, as above defined, which amount shall be added to said guaranty fund; provided, that when the amount available in said guaranty fund shall reach the sum of two million dollars the Bank Commissioner shall notify all bank and trust companies subject to this act, at least thirty days before the next annual payment and thereafter the banks and trust companies participating shall not pay any further amount into said fund until said fund be depleted, and in the event of the depletion of said fund from any cause so that it falls below two million dollars, said board shall have authority to require the payment for the current year of the full 1 per cent of such average deposits, or such part thereof as may be necessary to restore said fund to the maximum above named, but no bank or trust company coming under the provisions of this act shall ever be required to pay more than

1 per cent of said average daily deposits for any one year; providing further, that first payments herein provided for shall be made to said board without reference to said maximum sum.

Sec. 5. The fund provided for herein shall be deposited with the State Treasurer and a separate account shall be kept thereof, and it shall be paid out on warrant of the Comptroller based on vouchers issued as may be prescribed by the said banking board, and said fund shall never be diverted from the purpose herein specified. The Treasurer may and he shall on order of said banking board, keep 25 per cent of the amount of said guaranty fund deposited in State depositories, subject to demand call of said board; provided, that 50 per cent of all payments required may be held by guaranteed banks as demand deposits, to the credit of said banking board.

Sec. 6. State bank and trust companies organized subsequent to the taking effect of this law, or approval of their applications as provided for in Section 7 of this act, shall pay into said guaranty fund 2 per cent of the amount of their capital stock, which amount shall constitute a credit fund, subject to adjustment on the basis of their deposits as provided for other banks now existing, at the end of one year; provided, however, that said payment shall not be required of banks and trust companies formed by the reorganization or consolidation of banks that have previously complied with the terms of this act.

Sec. 7. The State Banking Board shall admit to the benefits and protection of this act only such banks and trust companies as in their opinion are solvent and properly officered and conducted, and said board shall prescribe the form of application and statement which shall be made by each and every bank and trust company and which shall be sworn to by two of the chief officers of the bank, blank copies of which application and statement shall be mailed to each State bank and trust company in this State at least ten days before this act requires the initial payment, and which shall be filled out, signed, sworn to and returned promptly to said board, and such copies shall be mailed to any other bank within this State on request. Should said board decline the application of any bank or trust company it shall state the grounds of such declination to such institution

and whether the objection can be removed, and the condition thereof.

Sec. 8. Any national bank in this State may voluntarily avail its depositors of the protection of the depositors' guaranty fund, upon the same terms, payments, conditions and in the same manner as herein provided for State banks.

Sec. 9. Whenever any State bank or trust company shall become insolvent and shall voluntarily, or by law, or in any manner as provided in Chapter 10, Acts of the First Called Session of the Twenty-ninth Legislature, come into the hands of the Commissioner of Insurance and Banking, he may proceed to wind up its affairs, either through a receiver or through some competent person, who shall give such bond as may be required by the board, payable to the board for the faithful performance of all duties imposed upon him. Said bond may be recovered upon for the benefit of said guaranty fund.

Sec. 10. In the event the Commissioner of Insurance and Banking shall take possession of any bank or trust company, subject to this act, as herein provided, the depositors of said bank or trust company, as specified in Section 4 of this act, shall be paid in full out of the cash in said bank or trust company and that can be made immediately available from such bank, and the remainder shall be paid out of the depositors' guaranty fund through the said board in the event the cash available in said institution shall be insufficient; provided, that deposits on which interest is being paid by said bank, its officers or stockholders, to the depositor and deposits otherwise secured, shall not be insured under this act but shall only receive the pro rata amount which may be realized from the assets, resources, and collections of and from such banks or trust company, its stockholders or directors.

Sec. 11. The State shall have, for the benefit of the depositors' guaranty fund, a first lien upon all the assets of such bank or trust company, and all liabilities owing or accruing to such bank or trust company; provided, however, that any deposits on which said bank was paying interest and any other deposits not insured under this act and which are entitled to share in said assets, shall share in the dividends and proceeds of such assets and collections pro rata or as may be provided by law.

Sec. 12. In the event the depositors' guaranty fund, or any part thereof, shall be used by said banking board to

pay off the depositors of a national bank which has accepted the provisions of this law, then said banking board shall receive from the receiver or other officer in charge of said bank the pro rata share of the proceeds of the assets and collections which would be due to said depositors to the amount so paid by the banking board.

Sec. 13. A proper certificate, showing a compliance with this act, shall be issued by the Commissioner of Insurance and Banking, to all banks and trust companies entitled thereto, which certificate shall be posted in a conspicuous place in said bank or trust company. Such bank or trust company may print or engrave upon its stationery and advertisements words to the effect that its depositors are protected by the depositors' guaranty fund of the State of Texas, and any person, or any officer or director of any bank or trust company engraving or printing a false statement as to this fact, or using such false statement upon its stationery or advertisements, shall be guilty of a felony, and shall be punished by imprisonment in the State penitentiary not less than two nor more than five years on conviction thereof.

Sec. 14. Any State bank or banking and trust company, incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the word "savings" as part of its corporate name, or in or as a part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be so filed by banks or banking and trust companies maintaining savings departments and using the word "savings" as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and to be filed by banks desiring to establish such savings departments after this act shall

take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which, having such departments or so using the word "savings" at the time this act shall take effect shall continue to maintain such departments or to so use the word "savings" more than ninety days thereafter shall keep the business of such department entirely separate and distinct from the general business of such bank or banking and trust company and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to wit:

1. In bonds or interest-bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

3. In bonds of the State of Texas or of any State of the Union that have not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

5. In bonds or notes secured by first mortgage, deed of trust or other valid first lien on unincumbered improved real estate to run for a term not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this

State, certifying said bonds or notes to be first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above described, and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipt, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than 15 per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposits, as provided for in this section, at the option of the bank or banking and trust company, in case of the insolvency or liquidation of any State bank or banking or trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors shall be first paid, and the remainder, after they have been paid in full, shall be applied in the payment of claims of general creditors. It shall be the duty of the president or vice president and the cashier of each State bank or banking and trust company maintaining a savings department, under the provisions of this section, to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month, a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits, when the last preceding monthly statement, as herein provided for, is not conspicuously posted in the office from where its business is transacted.

The directors of any bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on the savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are sufficient to pay any interest due

upon any savings deposits such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general fund of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due on accrued savings deposits, and the legitimate expenses of such department have been provided for. All such savings departments shall be governed by the terms and provisions of this act so far as same are applicable and are not in conflict with the special provisions of this section, and shall also be governed by such provisions of this section and shall also be governed by such provisions of the laws of this State applicable to saving banks as are not in conflict with any provisions of this act or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors at any regular meeting of the stockholders at any annual meeting; provided, that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any officer or director of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use or continue to use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by the law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings de-

partment any securities or other investment, or wilfully and knowingly do or perform any act or transaction, by or as a result of which at any time the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least 15 per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

Sec. 15. In the event of the voluntary liquidation of any bank or trust company operating under the provisions of the depositors' guaranty fund, when it shall be made to appear to the State Banking Board that all depositors have been paid in full, said board shall return to such bank or trust company the pro rata part paid by it into such fund then unused.

Sec. 16. Each and every State bank or trust company now or hereafter incorporated under the laws of this State, which shall elect to come under the provisions of the bond security system of this act, shall on January 1, 1910, and annually thereafter file with the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such banks a bond. Such bond may be executed by individuals; provided, that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that such individual sureties must be residents of the State of Texas, and must own unencumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act; and provided further, that in the event such bond is executed by individual surety, each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the county judge of such county in which the bank receiving deposits and making such bond is situated, and such approval by said county judge shall be made a matter of record upon the minutes of the commissioners court, and such bond shall be further subject to the approval of the Attorney General, and

by him delivered to the Commissioner of Insurance and Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such bond shall be executed in respective amounts of its capital stock, as follows, to-wit:

All such bond security banks having a capital stock of fifty thousand dollars (\$50,000) and less, shall execute such bond in an amount equal to double the amount of its capital stock. All such banks having a capital stock in excess of fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to one and one-half times the amount of its capital stock. All such bond security banks having a capital stock in excess of one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to the amount of its capital stock. It is further provided herein that any such banks mentioned in this section whose capital stock shall be in excess of one hundred thousand dollars (\$100,000) and which, at the time of its defaultation of the payment of its deposits as hereinafter provided, shall have in its possession and ownership good and sufficient exclusive real estate first mortgages or vendors' lien, or good and lawful interest-bearing National, State, county, municipal, school district bonds, or bonds of any political subdivision authorized by law to issue the same, or either of them, which shall be approved by the Commissioner of Insurance and Banking, then the liability of any such bank as principal and its sureties upon any such bond as herein provided for shall be reduced proportionately to the extent of the approved cash value of such real estate mortgages, or liens, or National, State, county, municipal, school district or other bonds, as may be determined by the Commissioner of Insurance and Banking at the time of the accrued liability upon such bonds so executed by such bond security banks for the purpose of securing its depositors.

In the event any person, firm or corporation, or association of persons, executing the bond or guaranty herein provided for as sureties for any such bank shall transfer such portion of his or its property within four months prior to the notice herein provided for in case of the default of the deposits lawfully demanded as that his remaining property over and above all lawful exemptions would be insufficient to meet the requirements of his respective liability upon said bond, then, and in such

event, such transfer of property shall be void as to any unpaid balance due and payable under said bond of guaranty, and there shall be and is hereby created a preferred lien upon the property so undertaken to be transferred in favor of the Commissioner of Insurance and Banking as trustee for and on behalf of the lawful depositors of any such bond security bank so making default in the payment of its deposits to the extent of any portion of any unpaid legal liability due and owing upon such bond; provided that the satisfaction of such bond as provided for in this act and the terms of such bond shall satisfy and discharge such preferred lien hereinabove provided for; provided, that if any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Insurance and Banking equal in amount to the liability of such surety on such bond, said Commissioner of Insurance and Banking is authorized to convert such securities so deposited, or such part thereof as may be necessary, into cash money, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor; then, and in that event, such preference lien shall not thereafter exist. After the liability of any surety making such deposit shall expire such securities, or any portion thereof, remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Insurance and Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash resulting from the conversion of such sureties, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and be held cumulative of all other laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 17. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF.....

Know all Men by These Presents:

That we,, as principal, and and....., as sureties, are firmly bound unto the Commissioner of Insurance and Banking of the State of Texas and his successors in office as trustee for the benefit of all lawful depositors of the bank or trust company in the sum of dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden..... will pay upon demand to the Commissioner of Insurance and Banking of the State of Texas, as trustees for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at..... county, Texas, this..... day of, A. D.

As principal.

As surety.

As surety.

(In case sureties bind themselves for limited amounts they shall state opposite their signature "to be bound as provided by law for dollars, and no more.")

It is further provided in this section that upon the payment of any sum made obligatory by reason of the terms of this act, any surety herein making or participating in such payment shall thereby be subrogated to the rights of depositors, and shall be entitled to assert such right in accordance with the laws of this State, secondary and subject to the rights of the depositors of whose benefit such payments are made.

Sec. 18. The Commissioner of Insurance and Banking shall be entitled to charge a fee not to exceed twenty dollars (\$20.00) to be paid by the bank executing the bonds as hereinabove provided for examination of any such bond provided for in Section 16 of this act; provided, that in case he shall approve and file same, no additional amount shall be charged for such approval and filing. Out of the proceeds of the fee the Commissioner shall defray the expenses of investigating the solvency of

the sureties upon such bond if any such expenses are incurred, and the remainder thereof shall be paid into the general revenue fund of this State.

Sec. 19. The security provided for by this act to be executed by bond security banks for the benefits of its depositors, may consist of more than one bond, provided, that the total amount of liability upon such bond or bonds so filed shall be equal to the amount provided for in this act. In case of default the sureties under such bond where more than one has been filed, shall be required to contribute pro rata to make good such default; provided, that the amount which shall not be collectible from any such surety by reason of his insolvency, shall be contributed pro rata by all other sureties.

Sec. 20. In the event of the default by any such bond security bank, transacting business or receiving deposits, in the payment of any deposit lawfully due, it shall be the duty of the Commissioner of Insurance and Banking when such default shall be made known to him to report the same forthwith to the Attorney General of the State of Texas, and to give notice to every and all persons who may be obligated by reason of such default, and the conditions of the bond herein provided for and upon the mailing of such notice the full amount of the said bond shall at once become due and payable. And it shall further be the duty of the makers and signers of such bond to pay immediately the full amount of the same according as he may be obligated to the Commissioner of Insurance and Banking or such part thereof as he may demand to be held by him in trust for the depositors of any such bond security bank executing such bond, and in case any such bond security bank shall have on hand as part of its assets, any real estate mortgages, or vendors' lien or any National, State, county, municipal, school district, or other bonds, the Commissioner of Insurance and Banking shall be authorized to take possession of the same and to value them in accordance with the provisions of this act; provided, that such valuation shall not be less than the actual cash market value thereof, and said Commissioner of Insurance and Banking shall be and is hereby authorized to convert such real estate mortgages and vendors' lien and other form of security as herein provided for into actual cash money, to be credited by him upon the liability of the bond hereinbefore provided for in the manner and in the terms as pro-

vided for by this act. All proceeds thus arising herewith from voluntary payment or otherwise, shall be by the Commissioner of Insurance and Banking or a special agent promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claim, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositors shall be made and approved by him, and a full report of all such claims and payments paid by said Commissioner of Insurance and Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as security of such bond or policy of insurance and other guaranty of indemnity shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand therefor as hereinbefore provided for the full amount due by it upon such bond, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice thereof from the Commissioner of Insurance and Banking, to bring suit in the district court of any county in this State which he may elect to forfeit such charter, and upon hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond shall be a corporation, incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and which shall refuse and fail to pay on demand therefor by the Commissioner of Insurance and Banking, as herein provided for, the full amount of its liability upon any such bond, it shall thereupon be the duty of the Commissioner of Insurance and Banking to thereafter suspend the permit of said corporation to transact business in this State, until it shall be shown to his satisfaction that it has fully discharged its liability upon such bonds upon the default thus made.

Sec. 21. In the event such persons, firms, corporation, so executing such bank security bond shall make default in the payment of the same lawfully demanded for a period of fifteen days after such demand and the obligation or such bond is not discharged, it shall be the duty of the Attorney General, or any district or county attorney, acting

at his instance, to bring suit upon such bond in the name of the State of Texas, for the benefit of all persons who may be beneficiary to said bond by reason of its terms and conditions; such suit shall be instituted in the district court of the county where the bond security bank had its principal place of business at the time of its failure, or any county immediately adjacent thereto at the option of the Attorney General. And in any such suit so brought upon any such bond, the Attorney General shall have the right by writ of sequestration, as is provided in the law, except that no bond or affidavit shall be required of the State of Texas before the issuance thereof, to seize and take possession of the property and effects of any such sureties upon such bond of any bond security bank so failing and defaulting in the payment of its deposits when lawfully demanded as hereinbefore provided for. The proceeds collected by any such suit or action shall be distributed by the Commissioner of Insurance and Banking to the depositors entitled thereto in the same manner provided in this act with respect to payments voluntarily made by sureties upon such bonds.

Sec. 22. If at any time it appears to the Commissioner of Insurance and Banking that the bond of any bond security bank, which has elected to come under the provisions of this act, is insufficient, he shall have the authority, and it shall be his duty to require such bond security banks to file new and additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act, as applicable to bond security banks. In the event such bond security banks shall refuse to or fail to comply with such requirements, the Commissioner of Insurance and Banking shall proceed as provided for by law.

Sec. 23. All banks securing their deposits by bond as provided for in this act are hereby authorized to use the following words upon their advertisements: "The deposits of this bank are protected by security bonds under the laws of this State." Any officer, director or stockholder of any bank or trust company coming under the bond security system herein provided, who shall use or permit the use of any advertisement that the deposits of any such banks are secured except as permitted in this section shall be guilty of a felony and on conviction thereof shall be punished by confinement in the penitentiary for not less than two nor more than five years.

Sec. 24. Any national bank in this State may voluntarily avail its depositors of the protection of the bond security system herein provided for State banks.

Sec. 25. Section 44 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 44. The Commissioner of Insurance and Banking shall from time to time appoint such number of State bank examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners, each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly under oath, by each examiner and shall be approved by the Commissioner."

Sec. 26. Every president, director, cashier, teller, clerk or agent of any State bank who embezzles, abstracts or wilfully misapplies any of the moneys, funds or credits of such State bank, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of such State bank, with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual person, firm or association, or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of a felony, and shall, upon conviction, be imprisoned in the State penitentiary for a term of not less than five years nor more than ten years.

Sec. 27. Any director of a State bank who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a majority of the directors of the bank first having been obtained and

made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of any such bank who shall knowingly loan or assent to the loaning of any of its funds to any officer, or any of its funds to any director in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years, upon conviction thereof.

Sec. 28. Any officer, director or employe of any State bank or trust company who knowingly or wilfully omits to perform any duty imposed upon him by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty nor more than ninety days, or by both such fine and imprisonment.

Sec. 29. The fact that there is no law in the State providing for a fund for the protection of depositors in banks and trust companies creates an emergency which requires that the constitutional rule that bills be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

TERRELL of McLennan,
ALEXANDER.

Senator Mayfield offered the following substitute for the amendment:

Be it enacted by the Legislature of the State of Texas:

Section 1. A State Banking Board is hereby created which shall consist of the Commissioner of Insurance and Banking, hereinafter referred to as the Commissioner of Banking, and two citizens of this State who shall not be officers or directors of any bank or trust company taking advantage of this act,

to be appointed by the Governor, which latter two members of said board shall receive as compensation for such services the sum of \$10 per day for each day while actually engaged in discharge of his duties as a member of said board. Said board shall have control, managements and directions of the depositors' security fund herein provided for and shall have power and it is made their duty to adopt and promulgate from time to time rules, regulations and requirements as may be deemed necessary or proper for the accumulation, payment, managements and control and disposition of said fund and to carry out the provisions and intent of their land and inconsistent herewith.

Sec. 2. It is the intent of this act to provide for the creation of a fund to be known as the "depositors' security fund," which shall be ascertained and deemed sufficient to pay probable losses of the lawful depositors of State banks and trust companies in this State, that elect to come under the provisions of this act providing for a "depositors' security fund," and also, to provide for the securing of deposits by the execution of a bond for the purpose and in the manner herein provided for. It is not intended by this act to hold or make liable any State bank or trust company that avails itself of the "depositors' guaranty fund" for the losses to depositors occurring from failures of other State banks or trust companies, but only to the extent and by the contribution to said State security fund, as provided in this act. Each and every bank of deposit and banking and trust company or trust company availing itself of the "depositors' security fund," receiving deposits now or hereafter organized under the laws of this State shall be liable in the manner and proportion and to the extent hereafter provided to pay to the "depositors' security fund" such premiums or sums as may be ascertained to be sufficient to constitute a fund to cover the probable losses to depositors from the failure or failures of State banks or trust companies that shall avail themselves of the "depositors' security fund." Said premiums or sums to be annual premiums or sums and to be fixed and stated and to be paid at fixed and stated times. The said fund is to be accumulated and said premiums are to be ascertained and fixed and paid in the manner hereinafter provided. Said fund is to be created and accumulated by and under the direction of said State Banking Board from annual premiums to be paid

by the several State banks and trust companies that elect to come under the provisions of this act providing a "depositors' security fund" and based upon their average lawful deposits and equitably and justly pro rated amongst the several banks and trust companies organized under the laws of this State, that shall avail themselves of the "depositors' security fund."

Sec. 3. Each and every State bank and trust company that elects to come under the provisions of this act providing a depositors' security fund, shall pay into said fund on or by the first day of January, 1910, in such manner as the State board may provide, a sum equal to one-half of one per cent of its daily average lawful deposits for the year 1909, not including United States, State or other public funds otherwise secured, nor deposits of other banks and trust companies, but including savings deposits unsecured and not bearing interest exceeding 5 per cent per annum. And all subsequent annual premiums shall be payable by the first day of January of each year and shall be the premiums or payments for the year preceding, and shall be based upon its daily average lawful deposits of the preceding year. Each and every State bank and trust company organized after the first day of January, 1910, that elects to come under the provisions of this act providing a "depositors' security fund" shall by the first day of January next after its organization pay into said fund one-half of one per cent of its daily average lawful deposits of the year of its organization and shall thereafter pay the annual premium or make payments to said fund in like manner as herein required of all State banks and trust companies that avail themselves of the provisions of this act creating the "depositors' security fund." All premiums or payments to said fund due or owing any State bank or trust company to said fund shall constitute a preference claim or lien upon the assets of said bank and trust company and the same shall apply to any bank or trust company or banking corporation which may have failed while due or owing any such premiums or payment either for that or any previous year.

Sec. 4. Said banking board shall as soon after its organization as is practicable make a full investigation and ascertain and determine after due investigation what sums or premiums paid annually upon the daily average lawful deposits of the State banks and trust companies protected by the "de-

positors' security fund" as provided herein, will create and provide a fund deemed sufficient to pay the probable losses sustained by the depositors of such bank and trust companies that shall avail themselves of the "depositors' security fund" from any failures of such banks and trust companies. In ascertaining and fixing such annual premiums or payments, said banking board shall take a sufficient given period of years and from all data and information available shall determine what sum or fund will cover the probable losses to the depositors from failure of State banks and trust companies availing themselves of the "depositors' security fund" during such period of years, and said board shall ascertain, determine and fix an annual premium upon the lawful deposits of such State banks and trust companies availing themselves of the "depositors' security fund," as when collected will create and provide a fund which will cover the probable losses accruing to such depositors from the failure of the State banks and trust companies availing themselves of the "depositors' security fund," ascertained and determined by said board; which annual premiums or payments as ascertained and established shall be paid by every bank and trust company electing to come under the provisions of this act providing a "depositors' security fund," ratable in proportion to its daily average lawful deposits covered by this act; provided no bank or trust company availing itself of the "depositors' security fund" shall be required to pay during any one year any sum created or in excess of the premiums or payments so fixed and established, and provided further, that said premium or payment shall never exceed one-fourth of one per cent of any one year, except for the first year. It is the intention of this act to create a fund for the security of deposits to the extent that such annual premiums or payments and the accumulation therefrom will constitute as herein provided.

Sec. 5. Whenever there shall be on hand a surplus of said fund, after paying the losses to depositors which may have occurred as provided in this act, and when such surplus in the judgment of said board, is sufficient to justify either the suspension of or reduction in the collection of further sums or premiums from the banks and trust companies which have contributed to said surplus, then said board shall reduce or suspend such payments and in subsequent collection of premiums or pay-

ments for a year or years shall make due and equitable allowances to or give proper credit to the several banks and trust companies for their respective contributions to said fund, and said banking board shall keep or cause to be kept an account with each bank and trust company showing the amounts paid to said fund by each bank, and said board shall keep or cause to be kept books and records showing when said fund was collected, from whom said fund was collected and the amount of same; and should it become necessary for said board to pay out said fund or any part thereof by reason of any failure or failures of any State bank or trust company, said board shall keep a record of such amount as paid, when the same was paid out and to whom said amount was paid; and shall make an annual detailed report in writing and under oath to the Governor of this State, showing the amount of money received by said board, when and from whom received, the amounts paid out, when and to whom same was paid, if anything, and the amount available of said fund.

Sec. 6. The fund herein provided for shall be deposited with the State Treasurer, who shall be the official custodian of said fund, and who shall cause to be kept a separate account of the same; and said fund shall be paid out on warrants or orders issued by said Banking Board; and said fund, nor any part thereof, shall never be diverted from the purposes herein specified. Said Banking Board may provide from time to time for the deposit of any portion of said fund in the State depositories, subject to the call of said board, under such rules and regulations as may be prescribed by said board.

Sec. 7. Whenever the surplus accumulated in the said fund shall be deemed by said Banking Board more than sufficient to constitute an available fund for the payment of probable losses, said board shall convert so much of said surplus as may not be required as an available fund for investment, and said board shall invest such fund in good and sufficient State, county or municipal bonds, bearing a rate of interest not less than three per cent per annum, and the interest which shall accrue on the investment of any part of the surplus which the Banking Board may invest in State, county or municipal bonds shall be paid back by the Banking Board as dividends to the several banks and trust companies in proportion to which they have contributed to said surplus; provided, that the

Banking Board does not think the interest accrued should be retained and added to the available funds and all of said funds both available and invested shall at all times constitute a fund for the payment of depositors as herein provided and said fund shall be a trust fund for the benefit of depositors and of banks and trust companies contributing thereto.

Sec. 8. All State banks and trust companies now organized under the laws of this State or that may hereafter be organized under the laws of this State shall and are hereby required to secure their depositors by either complying with the provisions of this act creating the "depositors' security fund" or by filing the bond with the Commissioner of Banking as herein provided, as they may elect so to do. And should any State bank or trust company organized under the laws of this State refuse to comply with the provisions of this act, it shall be the duty of the Commissioner of Banking to revoke or forfeit the charter of the State bank or trust company so refusing to comply with the provisions of this act. All banks and trust companies electing under the provisions of this act to avail themselves of the "depositors' security fund," as defined in this act, or to execute the bond as defined in this act, shall file with the Commissioner of Banking proper evidence of such action prior to January 1, 1910, and shall be entitled to exercise all the rights and privileges granted to such banks on and after said date, and all banks and trust companies thereafter exercising either of said options shall be entitled to exercise such rights and privileges on and after the election and filing thereof.

Sec. 9. Whenever any State bank or trust company subject to the provisions of this act, creating the "depositors' security fund," shall become insolvent or fail, and its affairs shall come into the hands of the Commissioner of Banking or any other officer or person legally authorized to administer its affairs, as provided by law, then said fund shall be used to pay the lawful depositors of said bank who are not otherwise secured and the savings depositors not secured and whose deposits do not bear interest exceeding five per cent per annum, the losses sustained by them by reason of such deposits, but said funds shall not be used to pay United States, State or other public funds which are secured, nor any accumulation of interest upon any deposits or savings deposits nor deposits due to other banks,

bankers or trust companies. But all the funds and assets of such banks or trust companies as avail themselves of the "depositors' security fund" for the payment of depositors which are available or which may be converted into cash within such reasonable time as may be fixed by said Banking Board, shall first be used for that purpose, and then the balance due upon the deposits protected by the "depositors' security fund" shall be paid out of said fund. If the fund on hand shall not be sufficient to pay the claim of such depositors in full, then the said board shall issue evidence of such unpaid balances, under such rules as the board may prescribe, and said balances shall be paid out of said fund whenever the same shall be sufficient for that purpose. Whenever any portion of said fund has been used to pay depositors under this act, then the assets of said bank or trust company availing itself of the "depositors' security fund" for the payment of depositors and which would go to the payment of depositors, which may be left over after the payment in full of its deposit liabilities shall belong to and shall be paid over to said fund to the extent to which said fund may be used.

Sec. 10. The Commissioner of Banking shall issue to all State banks and trust companies electing to comply with the provisions of this act creating the "depositors' security fund" a certificate to that effect, which shall be posted in the office of such bank or trust company. Such banks or trust companies complying with the provisions of this act creating the "depositors' security fund" may print upon its stationery or advertisements words to the effect, "The depositors of this bank are secured in the 'depositors' security fund,'" but no bank or trust company or any officer or employee thereof shall print or advertise in this State or out of it or make any other representation to the effect that its depositors are guaranteed by the State; nor shall any bank, trust company or officer or employee make any false representation or statement in regard to such security; and any bank or trust company violating this section shall have its charter revoked or be subject to pay a fine of not less than one thousand dollars nor more than five thousand dollars, for the benefit of said fund upon the suit of the Banking Board; and any such officer or employee violating any of the provisions of this section shall be guilty of a criminal offense and be fined in any

sum not less than one hundred nor more than one thousand dollars, or be punished by imprisonment in the county jail for not more than one year.

Sec. 11. Each and every State bank and trust company heretofore incorporated under the laws of this State or hereafter incorporated under the laws of this State, unless it elects to come under the provisions of the act providing a "depositors' security fund" shall file with the Commissioner of Insurance and Banking a good and sufficient bond, payable to the Commissioner of Banking and his successors in office for and on behalf of the lawful depositors of such banks. Such bond may be executed by individuals, provided that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that each individual surety must be a resident of the State of Texas, and must own unincumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act, and provided further, that in the event if such bond is executed by individual surety each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the commissioners court of such county in which the bank receiving deposits and making such bond is situated and such approval by said commissioners court shall be made a matter of record upon the minutes of said court, and such bond shall be further subject to the approval of the Commissioner of Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such banks shall execute such bond in an amount equal to its capital stock; provided further, that any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Banking equal in amount to the liability of such surety on such bond upon the terms and conditions that in case of default upon such bond, said Commissioner of Banking is authorized to convert such securities so deposited, or such part thereof as may

be necessary, into cash, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor. After the liability of any surety making such deposit shall expire, such securities or any portion thereof, remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash money resulting from the conversion of such securities, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and held to be cumulative of all laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 12. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF

Know all Men by These Presents:

That we,, as principal, and and as sureties, are firmly bound unto the Commissioner of Banking of the State of Texas, and his successors in office as trustee for the benefit of all lawful depositors of the bank or trust company in the sum of dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden will pay upon demand to the Commissioner of Banking of the State of Texas, as trustee for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors, such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at county, Texas, this day of A. D.

.....
As principal.

.....
As surety.

.....
As surety.

(In case sureties bind themselves for limited amounts, they shall state opposite their signatures "to be bound in

the amount as provided by law for interest and no more."

It is further provided in this section that upon the payment of any sum made voluntarily in payment of the terms of the act, the surety herein making or transacting in such payments shall thereon be so entitled to the rights of a depositor and shall be entitled to assert such rights in accordance with the laws of this State, and shall be entitled to the rights of the depositor for whose benefit such payments are made.

Sec. 13. The Commissioner of Banking shall be entitled to charge a fee not to exceed twenty dollars (\$20) to be paid by the bank executing the bond as hereinafter provided for the examination of any such bond provided for in Sections 4 and 5 of this act provided that in case he shall approve and file same, no additional amount shall be charged for such approval and filing. Out of the proceeds of the fee, the Commissioner shall defray the expenses of investigating the solvency of the sureties upon such bond if any such expenses are incurred and the remainder thereof shall be paid into the general revenue fund of this State.

Sec. 14. The security provided for by this act in Sections 11 and 12 to be executed by bank and trust companies so electing, for the benefits of their depositors may consist of more than one bond, provided that the total amount of liability upon such bond or bonds so filed shall be equal to the amount provided for in this act. In case of default the sureties upon such bonds where more than one has been filed, shall be required to contribute pro rata to make good such default, provided that the amount which shall not be collectible from any such surety by reason of his insolvency, shall be contributed pro rata by all other sureties.

Sec. 15. In the event of the default by any such bank or trust company transacting business or receiving deposits, in the payment of any deposit lawfully due, it shall be the duty of the Commissioner of Banking when such default shall be made known to him to report same forthwith to the Attorney General of the State of Texas, and to give notice thereof to every and all persons who may be obligated by reason of such default, and the conditions of the bond herein provided for and upon the mailing of such notice the full amount of the said bond shall at once become due and payable. And it shall further be the duty of the makers and signers of such bond to pay immediately

the full amount of the same according as he may be obligated to the Commissioner of Banking or such part thereof as he may demand to be held in trust for the depositors of any such bank or trust company executing such bond, and in case any such bank or trust company shall have on hand as part of its assets any real mortgages or vendors' liens or any National, State, county, municipal, school district or other bonds, the Commissioner of Banking shall be authorized to take possession of the same and to value them in accordance with the provisions of this act, providing that such valuation shall not be less than the actual market value thereof, and said Commissioner of Banking shall be and is hereby authorized to convert such real estate mortgages and vendors' liens and other forms of security herein provided for into actual cash money, to be credited by him upon the liability of the bond hereinbefore provided for in the manner and upon the terms as provided for by this act. All proceeds thus arising herewith from voluntary payments or otherwise, shall be by the Commissioner of Banking or his special agent promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositor shall be made and approved by him, and a full report of all such claims and payments signed by said Commissioner of Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as surety of such bond shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand as hereinabove provided for the full amount due by it upon such bond its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice thereof from the Commissioner of Banking, to bring suit in the district court of any county in this State where he may elect, to forfeit such charter and upon a hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond shall be a corporation, incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the

State, and which shall refuse and fail to pay on demand therefor by the Commissioner of Banking, as herein provided for, the full amount of its liability upon such bond, it shall thereupon be the duty of the Commissioner of Banking to thereafter suspend the permit of said corporation to transact business in this State, until it shall be shown to his satisfaction that it has fully discharged its liability upon such bond upon the default thus made.

Sec. 16. In the event such persons, firms, corporations so executing such bond shall make default in the payment of the same lawfully demanded for a period of fifteen days after such demand and the obligations of such bond are not discharged, it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond in the name of the State of Texas for the benefit of all persons who may be beneficiaries of said bond by reason of its terms and conditions; such suit shall be instituted in the district court of the county where the bank or trust company executing such bond had its principal place of business at the time of its failure or in any county immediately adjacent thereto, at the option of the Attorney General. And in any such suit so brought upon any such bond, the Attorney General shall have the right by writ of sequestration as is provided by law, except that no bond or affidavit shall be required of the State of Texas before the issuance thereof, to seize and take possession of the property and effects, except exempt property under the laws of this State, of any such sureties upon such bond of any bank or trust company so failing and defaulting in the payment of its deposits when lawfully demanded as hereinbefore provided for. The proceeds collected by any such suit or action shall be distributed by the Commissioner of Banking to the depositors entitled thereto in the same manner provided in this act with respect to payments voluntarily made by sureties upon such bonds.

Sec. 17. If at any time it appears to the Commissioner of Banking that the bond of any bank or trust company is insufficient, he shall have the authority, and it shall be his duty to require such banks and trust companies to file new and additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act as applicable to banks and trust companies. In the event such

banks and trust companies shall refuse to or fail to comply with such requirements, the Commissioner of Banking shall proceed as is provided for by law in the case of insolvent banks.

Sec. 18. If any cashier, director or other officer or employe of, or any person connected with any bank or trust company as defined in this act, shall knowingly transfer or otherwise dispose of any of its real estate, mortgage, or lien or any of its National, State, county, municipal, school district or other bonds when such bank or trust company is in a failing or insolvent condition, such cashier, director or other officer or employe of or any person connected with such bank or trust company so transferring the same or aiding, assisting or abetting or knowingly assenting to any such transfer, shall be deemed guilty of a felony, for which prosecution may be had in the district court of the county where such bank or trust company is located, and upon conviction shall be imprisoned in the State penitentiary for not less than two nor more than five years.

Sec. 19. Any national bank in this State approved by the Commissioner of Banking, may voluntarily avail its depositors of the protection of the provisions of this act by application to the State Banking Board in writing, and the said application may be granted upon terms and conditions in harmony with the purposes of this act, to be agreed upon by the State Banking Board, the Commissioner of Banking and the Comptroller of Currency of the United States of America; provided that in the event national banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the depositors in the national banks in this State should be secured by virtue of Federal Laws, that the national banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all premiums levied upon and paid by said banks and trust companies, however, should the courts declare this section of this bill unconstitutional or unauthorized by law, or in conflict with any other section or provisions of this act, or with any existing banking laws of this State, then such decision shall affect only this section, such section being independent of the other sections of this act.

Sec. 20. Each and every national bank heretofore incorporated, organized and existing under and by virtue of the

banking laws of the United States of America, shall have the right and privilege at its option, and authority is hereby granted unto each and all such national banks, in so far as the State of Texas may have authority so to do, to come within and under the terms, regulations and stipulations of the provisions of this act for the security of deposits. The words "State banks" when used in this act shall be held to include and apply to all banking corporations heretofore incorporated or which may hereafter be incorporated under the banking laws of this State.

Sec. 21. It shall be the duty of the Commissioner of Banking to issue to each State bank or trust company which the State Banking Board shall have approved and certified to him as provided in this act, as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve, to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business.

The Commissioner of Banking shall close all State banks and trust companies which the State board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided for by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation.

Sec. 22. The Commissioner of Banking shall issue to all banks and trust companies securing their deposits as provided in Sections 11 and 12 of this act, a certificate to that effect which shall be posted on the office of such banks or trust companies. Such banks or trust companies may print upon its stationery and advertisement words to this effect: "The depositors of this bank or trust company are protected by security bonds under the laws of this State." Any bank or trust company or any officer, director, stockholder or other person for any such bank or trust company who shall write, print, publish or advertise in any manner, or by any means, or permit any one for them, or for said bank or trust company to write, print, publish or advertise any statement that the depositors of any such bank or trust company are secured otherwise than is permitted in this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1000, or be punished by im-

prisonment in the county jail for not less than three months nor more than twelve months or by both fine and imprisonment.

Pending the reading of the substitute, on motion of Senator Watson, the same was dispensed with.

Senator Hume moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Senter.
Brachfield.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—9.

Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Stokes.
Harper.	Willacy.
Holsey.	

Absent.

Hudspeth.	Real.
Perkins.	Sturgeon.

Senator Harper offered the following substitute for the amendment:

Pending the reading of the substitute, on motion of Senator Watson, the same was dispensed with.

Amend the bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every bank of deposit or discount or banking and trust company hereafter incorporated under the laws of this State shall be and is hereby required to secure the payment of funds deposited with any such bank or trust company, by giving a bond as hereinafter provided or by availing its depositors of the protection of the State bank guaranty fund, to be created in the manner hereinafter set forth; all banks or banking and trust companies taking advantage of this act by securing their depositors by bond as hereinafter provided shall be denominated herein as bond security banks; all banks or banking and trust companies availing their depositors of the protection of the State bank guaranty fund as hereinafter provided, shall be denominated herein as guaranty fund banks; and whenever in this act the words bond security banks

are used and applied the same shall be deemed and held to apply to all such banks, banking and trust companies as may secure their deposits by the bond system hereinafter provided for; whenever the words guaranty fund banks are used or applied in this act the same shall be deemed and held to apply to each and every such bank or banking and trust company availing its depositors of the protection of the State bank guaranty fund.

Sec. 2. Each and every bank of deposit or discount or banking and trust company heretofore organized and incorporated under and by virtue of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas and known as the State banking law, shall be required to secure its deposits by the manner, methods and under the terms, provisions and regulations as set forth in this act for bond security banks or guaranty fund banks; provided, that any such banks or banking and trust companies so securing their depositors shall have the privilege and option of accepting and coming in under the terms and provisions of this act as the same applies to bond security banks or guaranty fund banks; such option and privilege to be exercised in the manner as hereinafter provided. Nothing in this act shall be construed as making it compulsory for any such bank or banking and trust company heretofore incorporated to accept either the bond security system or the guaranty fund system, but the adoption of either such system as to them shall be voluntary.

Sec. 3. Each and every National bank heretofore incorporated, organized and existing under and by virtue of the banking laws of the United States of America shall have the right and privilege at its option, and authority is hereby granted unto each and all such National banks, in so far as the State of Texas may have authority so to do, to come within and under the terms, regulations and stipulations of the provisions of this act for the security of deposits by either the bond security system or the guaranty fund bank system, as hereinafter set forth. The words "State banks" when used in this act shall be held to include and apply to all banking corporations heretofore incorporated or which may hereafter be incorporated under the banking laws of this State.

Sec. 4. Each and every State bank hereafter incorporated, which shall elect to come under the provisions of this act

as a bond security bank, shall file annually with the Commissioner of Insurance and Banking a good and sufficient bond, payable to the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such banks. Such bond may be executed by individuals; provided, that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that such individual sureties must be residents of the State of Texas, and must own unincumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act; and provided further, that in the event such bond is executed by individual surety each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the commissioners court of such county in which the bank receiving deposits and making such bond is situated, and such approval by said commissioners court shall be made a matter of record upon the minutes of said court, and such bond shall be further subject to the approval of the Commissioner of Insurance and Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such bond shall be executed in respective amounts according to the respective amounts of its capital stock, as follows, to-wit:

All such bond security banks having a capital stock of fifty thousand dollars (\$50,000) and less, shall execute such bond in an amount equal to double the amount of its capital stock. All such banks having a capital stock in excess of fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to one and one-half times the amount of its capital stock. All such bond security banks having a capital stock in excess of one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to the amount of its capital stock. It is further provided herein that any such banks mentioned in this section whose capital stock shall be in excess of one hundred thousand dollars (\$100,000) and which, at the time of its defalcation of the payments of its deposits as hereinafter provided, shall have in its possession and ownership good and sufficient exclusive real estate first mort-

gages or vendors' lien, or good and lawful interest-bearing National, State, county, municipal, school district bonds, or bonds of any political subdivision authorized by law to issue the same, or either of them, which shall be approved by the Commissioner of Insurance and Banking, then the liability of any such bank as principal and its sureties upon any such bond as herein provided for shall be reduced proportionately to the extent of the approved cash value of such real estate mortgages, or liens, or National, State, county, municipal, school district or other bonds, as may be determined by the Commissioner of Insurance and Banking at the time of the accrued liability upon such bonds so executed by such bond security banks for the purpose of securing its depositors.

In the event any person, firm or corporation, or association of persons, executing the bond or guaranty herein provided for as sureties for any such bank shall transfer such portion of his or its property within four months prior to the notice herein provided for in case of the default of the deposits lawfully demanded as that his remaining property over and above all lawful exemptions would be insufficient to meet the requirements of his respective liability upon said bond, and in such event, such transfer of such property shall be void as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preferred lien upon the property so undertaken to be transferred in favor of the Commissioner of Insurance and Banking as trustee for and on behalf of the lawful depositors of any such bond security bank so making default in the payment of its deposits to the extent of any portion of any unpaid legal liability due and owing upon such bond; provided, that the satisfaction of such bond as provided for in this act and the terms of such bond shall satisfy and discharge such preferred lien hereinabove provided for; provided, that if any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Insurance and Banking equal in amount to the liability of such

surety on such bond upon the terms and conditions that in case of default upon such bond, said Commissioner of Insurance and Banking is authorized to convert such securities so deposited, or such part thereof as may be necessary, into cash money, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor; then, and in that event, such preference lien shall not thereafter exist. After the liability of any surety making such deposit shall expire, such securities, or any portion thereof remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Insurance and Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash money resulting from the conversion of such securities, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and held to be cumulative of all other laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 5. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF

Know all Men by These Presents:

That we,....., as principal, and..... and....., as sureties, are firmly bound unto the Commissioner of Insurance and Banking of the State of Texas and his successors in office as trustee for the benefit of all lawful depositors of the..... bank or trust company in the sum of..... dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden..... will pay upon demand to the Commissioner of Insurance and Banking of the State of Texas, as trustee for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors, such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at.....

County, Texas, this.....day of.....
A. D.....
as principal.
as surety.
as surety.

(In case sureties bind themselves for limited amounts they shall state opposite their signatures "to be bound as provided by law for..... dollars, and no more.")

It is further provided in this section that upon the payment of any sum made obligatory by reason of the terms of this act, any surety herein making or participating in such payments shall thereby be subrogated to the rights of a depositor, and shall be entitled to assert such right in accordance with the laws of this State, secondary and subject to the rights of the depositors for whose benefits such payments are made.

Sec. 6. The Commissioner of Insurance and Banking shall be entitled to charge a fee not to exceed twenty dollars (\$20) to be paid by the bank executing the bond as herein above provided for the examination of any such bond provided for in Sections 4 and 5 of this act; provided, that in case he shall approve and file same, no additional amount shall be charged for such approval and filing. Out of the proceeds of the fee the Commissioner shall defray the expenses of investigating the solvency of the sureties upon such bond if any such expenses are incurred, and the remainder thereof shall be paid into the general revenue fund of this State.

Sec. 7. The security provided for by this act to be executed by bond security banks for the benefits of its depositors may consist of more than one bond; provided, that the total amount of liability upon such bond or bonds so filed shall be equal to the amount provided for in this act. In case of default the sureties under such bonds where more than one has been filed, shall be required to contribute pro rata to make good such default; provided, that the amount which shall not be collectible from any such surety by reason of his insolvency, shall be contributed pro rata by all other sureties.

Sec. 8. In the event of the default by any such bond security bank, transacting business or receiving deposits, in the payment of any deposit lawfully due, it shall be the duty of the Commissioner of Insurance and Banking when such default shall be made known to him to report the same forthwith to the Attorney General of the State of Texas, and to give notice to every and all persons who may be obligated by

reason of such default, and the conditions of the bond herein provided for and upon the mailing of such notice the full amount of the said bond shall at once become due and payable. And it shall further be the duty of the makers and signers of such bond to pay immediately the full amount of the same according as he may be obligated to the Commissioner of Insurance and Banking or such part thereof as he may demand to be held by him in trust for the depositors of any such bond security bank executing such bond, and in case any such bond security bank shall have on hand as part of its assets, any real estate mortgages or vendors' liens, or any National, State, county, municipal, school district, or other bonds, the Commissioner of Insurance and Banking shall be authorized to take possession of the same and to value them in accordance with the provisions of this act; provided, that such valuation shall not be less than the actual cash market value thereof, and said Commissioner of Insurance and Banking shall be and is hereby authorized to convert such real estate mortgages and vendors' liens and other forms of security as herein provided for into actual cash money, to be credited by him upon the liability of the bond hereinbefore provided for in the manner and upon the terms as provided for by this act. All proceeds thus arising herewith from voluntary payment or otherwise, shall be by the Commissioner of Insurance and Banking or his special agents promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositor shall be made and approved by him, and a full report of all such claims and payments signed by said Commissioner of Insurance and Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as surety of such bond or policy of insurance and other guaranty of indemnity shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand therefor as hereinbefore provided for the full amount due by it upon such bond, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice from the Commissioner of

take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which, having such departments or so using the word "savings" at the time this act shall take effect shall continue to maintain such departments or to so use the word "savings" more than ninety days thereafter shall keep the business of such department entirely separate and distinct from the general business of such bank or banking and trust company and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to wit:

1. In bonds or interest-bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

3. In bonds of the State of Texas or of any State of the Union that have not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

5. In bonds or notes secured by first mortgage, deed of trust or other valid first lien on unincumbered improved real estate to run for a term not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this

State, certifying said bonds or notes to be first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above described, and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipt, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than 15 per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposits, as provided for in this section, at the option of the bank or banking and trust company, in case of the insolvency or liquidation of any State bank or banking or trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors shall be first paid, and the remainder, after they have been paid in full, shall be applied in the payment of claims of general creditors. It shall be the duty of the president or vice president and the cashier of each State bank or banking and trust company maintaining a savings department, under the provisions of this section, to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month, a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits, when the last preceding monthly statement, as herein provided for, is not conspicuously posted in the office from where its business is transacted.

The directors of any bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on the savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are sufficient to pay any interest due

upon any savings deposits such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general fund of such bank or banking and trust company, all accumulated earnings of the said savings department after the payment or credit of all interest due on accrued savings deposits, and the legitimate expenses of such department have been provided for. All such savings departments shall be governed by the terms and provisions of this act so far as same are applicable and are not in conflict with the special provisions of this section, and shall also be governed by such provisions of this section and shall also be governed by such provisions of the laws of this State applicable to saving banks as are not in conflict with any provisions of this act or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors at any regular meeting of the stockholders at any annual meeting; provided, that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any officer or director of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use or continue to use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by the law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings de-

partment any securities or other investment, or wilfully and knowingly do or perform any act or transaction, by or as a result of which at any time the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least 15 per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

Sec. 15. In the event of the voluntary liquidation of any bank or trust company operating under the provisions of the depositors' guaranty fund, when it shall be made to appear to the State Banking Board that all depositors have been paid in full, said board shall return to such bank or trust company the pro rata part paid by it into such fund then unused.

Sec. 16. Each and every State bank or trust company now or hereafter incorporated under the laws of this State, which shall elect to come under the provisions of the bond security system of this act, shall on January 1, 1910, and annually thereafter file with the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such banks a bond. Such bond may be executed by individuals; provided, that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that such individual sureties must be residents of the State of Texas, and must own unencumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act; and provided further, that in the event such bond is executed by individual surety, each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the county judge of such county in which the bank receiving deposits and making such bond is situated, and such approval by said county judge shall be made a matter of record upon the minutes of the commissioners court, and such bond shall be further subject to the approval of the Attorney General, and

by him delivered to the Commissioner of Insurance and Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such bond shall be executed in respective amounts of its capital stock, as follows, to-wit:

All such bond security banks having a capital stock of fifty thousand dollars (\$50,000) and less, shall execute such bond in an amount equal to double the amount of its capital stock. All such banks having a capital stock in excess of fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to one and one-half times the amount of its capital stock. All such bond security banks having a capital stock in excess of one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to the amount of its capital stock. It is further provided herein that any such banks mentioned in this section whose capital stock shall be in excess of one hundred thousand dollars (\$100,000) and which, at the time of its default of the payment of its deposits as hereinafter provided, shall have in its possession and ownership good and sufficient exclusive real estate first mortgages or vendors' lien, or good and lawful interest-bearing National, State, county, municipal, school district bonds, or bonds of any political subdivision authorized by law to issue the same, or either of them, which shall be approved by the Commissioner of Insurance and Banking, then the liability of any such bank as principal and its sureties upon any such bond as herein provided for shall be reduced proportionately to the extent of the approved cash value of such real estate mortgages, or liens, or National, State, county, municipal, school district or other bonds, as may be determined by the Commissioner of Insurance and Banking at the time of the accrued liability upon such bonds so executed by such bond security banks for the purpose of securing its depositors.

In the event any person, firm or corporation, or association of persons, executing the bond or guaranty herein provided for as sureties for any such bank shall transfer such portion of his or its property within four months prior to the notice herein provided for in case of the default of the deposits lawfully demanded as that his remaining property over and above all lawful exemptions would be insufficient to meet the requirements of his respective liability upon said bond, then, and in such

event, such transfer of property shall be void as to any unpaid balance due and payable under said bond of guaranty, and there shall be and is hereby created a preferred lien upon the property so undertaken to be transferred in favor of the Commissioner of Insurance and Banking as trustee for and on behalf of the lawful depositors of any such bond security bank so making default in the payment of its deposits to the extent of any portion of any unpaid legal liability due and owing upon such bond; provided that the satisfaction of such bond as provided for in this act and the terms of such bond shall satisfy and discharge such preferred lien hereinabove provided for; provided, that if any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Insurance and Banking equal in amount to the liability of such surety on such bond, said Commissioner of Insurance and Banking is authorized to convert such securities so deposited, or such part thereof as may be necessary, into cash money, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor; then, and in that event, such preference lien shall not thereafter exist. After the liability of any surety making such deposit shall expire such securities, or any portion thereof, remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Insurance and Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash resulting from the conversion of such sureties, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and be held cumulative of all other laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 17. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF.....

Know all Men by These Presents:

That we,, as principal, and and, as sureties, are firmly bound unto the Commissioner of Insurance and Banking of the State of Texas and his successors in office as trustee for the benefit of all lawful depositors of the bank or trust company in the sum of dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden..... will pay upon demand to the Commissioner of Insurance and Banking of the State of Texas, as trustees for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at..... county, Texas, this..... day of

A. D.

As principal.

As surety.

As surety.

(In case sureties bind themselves for limited amounts they shall state opposite their signature "to be bound as provided by law for dollars, and no more.")

It is further provided in this section that upon the payment of any sum made obligatory by reason of the terms of this act, any surety herein making or participating in such payment shall thereby be subrogated to the rights of depositors, and shall be entitled to assert such right in accordance with the laws of this State, secondary and subject to the rights of the depositors of whose benefit such payments are made.

Sec. 18. The Commissioner of Insurance and Banking shall be entitled to charge a fee not to exceed twenty dollars (\$20.00) to be paid by the bank executing the bonds as hereinabove provided for examination of any such bond provided for in Section 16 of this act; provided, that in case he shall approve and file same, no additional amount shall be charged for such approval and filing. Out of the proceeds of the fee the Commissioner shall defray the expenses of investigating the solvency of

the sureties upon such bond if any such expenses are incurred, and the remainder thereof shall be paid into the general revenue fund of this State.

Sec. 19. The security provided for by this act to be executed by bond security banks for the benefits of its depositors, may consist of more than one bond, provided, that the total amount of liability upon such bond or bonds so filed shall be equal to the amount provided for in this act. In case of default the sureties under such bond where more than one has been filed, shall be required to contribute pro rata to make good such default; provided, that the amount which shall not be collectible from any such surety by reason of his insolvency, shall be contributed pro rata by all other sureties.

Sec. 20. In the event of the default by any such bond security bank, transacting business or receiving deposits, in the payment of any deposit lawfully due, it shall be the duty of the Commissioner of Insurance and Banking when such default shall be made known to him to report the same forthwith to the Attorney General of the State of Texas, and to give notice to every and all persons who may be obligated by reason of such default, and the conditions of the bond herein provided for and upon the mailing of such notice the full amount of the said bond shall at once become due and payable. And it shall further be the duty of the makers and signers of such bond to pay immediately the full amount of the same according as he may be obligated to the Commissioner of Insurance and Banking or such part thereof as he may demand to be held by him in trust for the depositors of any such bond security bank executing such bond, and in case any such bond security bank shall have on hand as part of its assets, any real estate mortgages, or vendors' lien or any National, State, county, municipal, school district, or other bonds, the Commissioner of Insurance and Banking shall be authorized to take possession of the same and to value them in accordance with the provisions of this act; provided, that such valuation shall not be less than the actual cash market value thereof, and said Commissioner of Insurance and Banking shall be and is hereby authorized to convert such real estate mortgages and vendors' lien and other form of security as herein provided for into actual cash money, to be credited by him upon the liability of the bond hereinbefore provided for in the manner and in the terms as pro-

vided for by this act. All proceeds thus arising herewith from voluntary payment or otherwise, shall be by the Commissioner of Insurance and Banking or a special agent promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claim, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositors shall be made and approved by him, and a full report of all such claims and payments paid by said Commissioner of Insurance and Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as security of such bond or policy of insurance and other guaranty of indemnity shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand therefor as hereinbefore provided for the full amount due by it upon such bond, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice thereof from the Commissioner of Insurance and Banking, to bring suit in the district court of any county in this State which he may elect to forfeit such charter, and upon hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond shall be a corporation, incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and which shall refuse and fail to pay on demand therefor by the Commissioner of Insurance and Banking, as herein provided for, the full amount of its liability upon any such bond, it shall thereupon be the duty of the Commissioner of Insurance and Banking to thereafter suspend the permit of said corporation to transact business in this State, until it shall be shown to his satisfaction that it has fully discharged its liability upon such bonds upon the default thus made.

Sec. 21. In the event such persons, firms, corporation, so executing such bank security bond shall make default in the payment of the same lawfully demanded for a period of fifteen days after such demand and the obligation or such bond is not discharged, it shall be the duty of the Attorney General, or any district or county attorney, acting

at his instance, to bring suit upon such bond in the name of the State of Texas for the benefit of all persons who may be beneficiary to said bond by reason of its terms and conditions; such suit shall be instituted in the district court of the county where the bond security bank had its principal place of business at the time of its failure, or any county immediately adjacent thereto at the option of the Attorney General. And in any such suit so brought upon any such bond, the Attorney General shall have the right by writ of sequestration, as is provided in the law, except that no bond or affidavit shall be required of the State of Texas before the issuance thereof, to seize and take possession of the property and effects of any such sureties upon such bond of any bond security bank so failing and defaulting in the payment of its deposits when lawfully demanded as hereinbefore provided for. The proceeds collected by any such suit or action shall be distributed by the Commissioner of Insurance and Banking to the depositors entitled thereto in the same manner provided in this act with respect to payments voluntarily made by sureties upon such bonds.

Sec. 22. If at any time it appears to the Commissioner of Insurance and Banking that the bond of any bond security bank, which has elected to come under the provisions of this act, is insufficient, he shall have the authority, and it shall be his duty to require such bond security banks to file new and additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act, as applicable to bond security banks. In the event such bond security banks shall refuse to or fail to comply with such requirements, the Commissioner of Insurance and Banking shall proceed as provided for by law.

Sec. 23. All banks securing their deposits by bond as provided for in this act are hereby authorized to use the following words upon their advertisements: "The deposits of this bank are protected by security bonds under the laws of this State." Any officer, director or stockholder of any bank or trust company coming under the bond security system herein provided, who shall use or permit the use of any advertisement that the deposits of any such banks are secured except as permitted in this section shall be guilty of a felony and on conviction thereof shall be punished by confinement in the penitentiary for not less than two nor more than five years.

Sec. 24. Any national bank in this State may voluntarily avail its depositors of the protection of the bond security system herein provided for State banks.

Sec. 25. Section 44 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 44. The Commissioner of Insurance and Banking shall from time to time appoint such number of State bank examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners, each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly under oath, by each examiner and shall be approved by the Commissioner."

Sec. 26. Every president, director, cashier, teller, clerk or agent of any State bank who embezzles, abstracts or wilfully misapplies any of the moneys, funds or credits of such State bank, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of such State bank, with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual person, firm or association, or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of a felony, and shall, upon conviction, be imprisoned in the State penitentiary for a term of not less than five years nor more than ten years.

Sec. 27. Any director of a State bank who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a majority of the directors of the bank first having been obtained and

made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of any such bank who shall knowingly loan or assent to the loaning of any of its funds to any officer, or any of its funds to any director in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years, upon conviction thereof.

Sec. 28. Any officer, director or employe of any State bank or trust company who knowingly or wilfully omits to perform any duty imposed upon him by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty nor more than ninety days, or by both such fine and imprisonment.

Sec. 29. The fact that there is no law in the State providing for a fund for the protection of depositors in banks and trust companies creates an emergency which requires that the constitutional rule that bills be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

TERRELL of McLennan,
ALEXANDER.

Senator Mayfield offered the following substitute for the amendment:

Be it enacted by the Legislature of the State of Texas:

Section 1. A State Banking Board is hereby created which shall consist of the Commissioner of Insurance and Banking, hereinafter referred to as the Commissioner of Banking, and two citizens of this State who shall not be officers or directors of any bank or trust company taking advantage of this act,

to be appointed by the Governor, which latter two members of said board shall receive as compensation for such services the sum of \$10 per day for each day while actually engaged in discharge of his duties as a member of said board. Said board shall have control, managements and directions of the depositors' security fund herein provided for and shall have power and it is made their duty to adopt and promulgate from time to time rules, regulations and requirements as may be deemed necessary or proper for the accumulation, payment, managements and control and disposition of said fund and to carry out the provisions and intent of their land and inconsistent herewith.

Sec. 2. It is the intent of this act to provide for the creation of a fund to be known as the "depositors' security fund," which shall be ascertained and deemed sufficient to pay probable losses of the lawful depositors of State banks and trust companies in this State, that elect to come under the provisions of this act providing for a "depositors' security fund," and also, to provide for the securing of deposits by the execution of a bond for the purpose and in the manner herein provided for. It is not intended by this act to hold or make liable any State bank or trust company that avails itself of the "depositors' guaranty fund" for the losses to depositors occurring from failures of other State banks or trust companies, but only to the extent and by the contribution to said State security fund, as provided in this act. Each and every bank of deposit and banking and trust company or trust company availing itself of the "depositors' security fund," receiving deposits now or hereafter organized under the laws of this State shall be liable in the manner and proportion and to the extent hereafter provided to pay to the "depositors' security fund" such premiums or sums as may be ascertained to be sufficient to constitute a fund to cover the probable losses to depositors from the failure or failures of State banks or trust companies that shall avail themselves of the "depositors' security fund." Said premiums or sums to be annual premiums or sums and to be fixed and stated and to be paid at fixed and stated times. The said fund is to be accumulated and said premiums are to be ascertained and fixed and paid in the manner hereinafter provided. Said fund is to be created and accumulated by and under the direction of said State Banking Board from annual premiums to be paid

by the several State banks and trust companies that elect to come under the provisions of this act providing a "depositors' security fund" and based upon their average lawful deposits and equitably and justly pro rated amongst the several banks and trust companies organized under the laws of this State, that shall avail themselves of the "depositors' security fund."

Sec. 3. Each and every State bank and trust company that elects to come under the provisions of this act providing a depositors' security fund, shall pay into said fund on or by the first day of January, 1910, in such manner as the State board may provide, a sum equal to one-half of one per cent of its daily average lawful deposits for the year 1909, not including United States, State or other public funds otherwise secured, nor deposits of other banks and trust companies, but including savings deposits unsecured and not bearing interest exceeding 5 per cent per annum. And all subsequent annual premiums shall be payable by the first day of January of each year and shall be the premiums or payments for the year preceding, and shall be based upon its daily average lawful deposits of the preceding year. Each and every State bank and trust company organized after the first day of January, 1910, that elects to come under the provisions of this act providing a "depositors' security fund" shall by the first day of January next after its organization pay into said fund one-half of one per cent of its daily average lawful deposits of the year of its organization and shall thereafter pay the annual premium or make payments to said fund in like manner as herein required of all State banks and trust companies that avail themselves of the provisions of this act creating the "depositors' security fund." All premiums or payments to said fund due or owing any State bank or trust company to said fund shall constitute a preference claim or lien upon the assets of said bank and trust company and the same shall apply to any bank or trust company or banking corporation which may have failed while due or owing any such premiums or payment either for that or any previous year.

Sec. 4. Said banking board shall as soon after its organization as is practicable make a full investigation and ascertain and determine after due investigation what sums or premiums paid annually upon the daily average lawful deposits of the State banks and trust companies protected by the "de-

positors' security fund" as provided herein, will create and provide a fund deemed sufficient to pay the probable losses sustained by the depositors of such bank and trust companies that shall avail themselves of the "depositors' security fund" from any failures of such banks and trust companies. In ascertaining and fixing such annual premiums or payments, said banking board shall take a sufficient given period of years and from all data and information available shall determine what sum or fund will cover the probable losses to the depositors from failure of State banks and trust companies availing themselves of the "depositors' security fund" during such period of years, and said board shall ascertain, determine and fix an annual premium upon the lawful deposits of such State banks and trust companies availing themselves of the "depositors' security fund," as when collected will create and provide a fund which will cover the probable losses accruing to such depositors from the failure of the State banks and trust companies availing themselves of the "depositors' security fund," ascertained and determined by said board; which annual premiums or payments as ascertained and established shall be paid by every bank and trust company electing to come under the provisions of this act providing a "depositors' security fund," ratable in proportion to its daily average lawful deposits covered by this act; provided no bank or trust company availing itself of the "depositors' security fund" shall be required to pay during any one year any sum created or in excess of the premiums or payments so fixed and established, and provided further, that said premium or payment shall never exceed one-fourth of one per cent of any one year, except for the first year. It is the intention of this act to create a fund for the security of deposits to the extent that such annual premiums or payments and the accumulation therefrom will constitute as herein provided.

Sec. 5. Whenever there shall be on hand a surplus of said fund, after paying the losses to depositors which may have occurred as provided in this act, and when such surplus in the judgment of said board, is sufficient to justify either the suspension of or reduction in the collection of further sums or premiums from the banks and trust companies which have contributed to said surplus, then said board shall reduce or suspend such payments and in subsequent collection of premiums or pay-

ments for a year or years shall make due and equitable allowances to or give proper credit to the several banks and trust companies for their respective contributions to said fund, and said banking board shall keep or cause to be kept an account with each bank and trust company showing the amounts paid to said fund by each bank, and said board shall keep or cause to be kept books and records showing when said fund was collected, from whom said fund was collected and the amount of same; and should it become necessary for said board to pay out said fund or any part thereof by reason of any failure or failures of any State bank or trust company, said board shall keep a record of such amount as paid, when the same was paid out and to whom said amount was paid; and shall make an annual detailed report in writing and under oath to the Governor of this State, showing the amount of money received by said board, when and from whom received, the amounts paid out, when and to whom same was paid, if anything, and the amount available of said fund.

Sec. 6. The fund herein provided for shall be deposited with the State Treasurer, who shall be the official custodian of said fund, and who shall cause to be kept a separate account of the same; and said fund shall be paid out on warrants or orders issued by said Banking Board; and said fund, nor any part thereof, shall never be diverted from the purposes herein specified. Said Banking Board may provide from time to time for the deposit of any portion of said fund in the State depositories, subject to the call of said board, under such rules and regulations as may be prescribed by said board.

Sec. 7. Whenever the surplus accumulated in the said fund shall be deemed by said Banking Board more than sufficient to constitute an available fund for the payment of probable losses, said board shall convert so much of said surplus as may not be required as an available fund for investment, and said board shall invest such fund in good and sufficient State, county or municipal bonds, bearing a rate of interest not less than three per cent per annum, and the interest which shall accrue on the investment of any part of the surplus which the Banking Board may invest in State, county or municipal bonds shall be paid back by the Banking Board as dividends to the several banks and trust companies in proportion to which they have contributed to said surplus; provided, that the

Banking Board does not think the interest accrued should be retained and added to the available fund; and all of said fund, both available and invested, shall at all times constitute a fund for the payment of depositors as herein provided, and said fund shall be a trust fund for the benefit of depositors and of banks and trust companies contributing thereto.

Sec. 8. All State banks and trust companies now organized under the laws of this State or that may hereafter be organized under the laws of this State shall and are hereby required to secure their depositors by either complying with the provisions of this act creating the "depositors' security fund" or by filing the bond with the Commissioner of Banking as herein provided, as they may elect so to do. And should any State bank or trust company organized under the laws of this State refuse to comply with the provisions of this act, it shall be the duty of the Commissioner of Banking to revoke or forfeit the charter of the State bank or trust company so refusing to comply with the provisions of this act. All banks and trust companies electing under the provisions of this act to avail themselves of the "depositors' security fund," as defined in this act, or to execute the bond as defined in this act, shall file with the Commissioner of Banking proper evidence of such action prior to January 1, 1910, and shall be entitled to exercise all the rights and privileges granted to such banks on and after said date, and all banks and trust companies thereafter exercising either of said options shall be entitled to exercise such rights and privileges on and after the election and filing thereof.

Sec. 9. Whenever any State bank or trust company subject to the provisions of this act, creating the "depositors' security fund," shall become insolvent or fail, and its affairs shall come into the hands of the Commissioner of Banking or any other officer or person legally authorized to administer its affairs, as provided by law, then said fund shall be used to pay the lawful depositors of said bank who are not otherwise secured and the savings depositors not secured and whose deposits do not bear interest exceeding five per cent per annum, the losses sustained by them by reason of such deposits, but said funds shall not be used to pay United States, State or other public funds which are secured, nor any accumulation of interest upon any deposits or savings deposits nor deposits due to other banks,

bankers or trust companies. But all the funds and assets of such banks or trust companies as avail themselves of the "depositors' security fund" for the payment of depositors which are available or which may be converted into cash within such reasonable time as may be fixed by said Banking Board, shall first be used for that purpose, and then the balance due upon the deposits protected by the "depositors' security fund" shall be paid out of said fund. If the fund on hand shall not be sufficient to pay the claim of such depositors in full, then the said board shall issue evidence of such unpaid balances. Under such rules as the board may prescribe, and said balances shall be paid out of said fund whenever the same shall be sufficient for that purpose. Whenever any portion of said fund has been used to pay depositors under this act, then the assets of said bank or trust company availing itself of the "depositors' security fund" for the payment of depositors and which would go to the payment of depositors, which may be left over after the payment in full of its deposit liabilities shall belong to and shall be paid over to said fund to the extent to which said fund may be used.

Sec. 10. The Commissioner of Banking shall issue to all State banks and trust companies electing to comply with the provisions of this act creating the "depositors' security fund" a certificate to that effect, which shall be posted in the office of such bank or trust company. Such banks or trust companies complying with the provisions of this act creating the "depositors' security fund" may print upon its stationery or advertisements words to the effect, "The depositors of this bank are secured in the 'depositors' security fund;" but no bank or trust company or any officer or employe thereof shall print or advertise in this State or out of it or make any other representation to the effect that its depositors are guaranteed by the State; nor shall any bank, trust company or officer or employe make any false representation or statement in regard to such security; and any bank or trust company violating this section shall have its charter revoked or be subject to pay a fine of not less than one thousand dollars nor more than five thousand dollars, for the benefit of said fund upon the suit of the Banking Board; and any such officer or employe violating any of the provisions of this section shall be guilty of a criminal offense and be fined in any

sum not less than one hundred nor more than one thousand dollars, or be punished by imprisonment in the county jail for not more than one year.

Sec. 11. Each and every State bank and trust company heretofore incorporated under the laws of this State or hereafter incorporated under the laws of this State, unless it elects to come under the provisions of the act providing a "depositors' security fund" shall file with the Commissioner of Insurance and Banking a good and sufficient bond, payable to the Commissioner of Banking and his successors in office for and on behalf of the lawful depositors of such banks. Such bond may be executed by individuals, provided that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that each individual surety must be a resident of the State of Texas, and must own unincumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act, and provided further, that in the event if such bond is executed by individual surety each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the commissioners court of such county in which the bank receiving deposits and making such bond is situated and such approval by said commissioners court shall be made a matter of record upon the minutes of said court, and such bond shall be further subject to the approval of the Commissioner of Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such banks shall execute such bond in an amount equal to its capital stock; provided further, that any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Banking equal in amount to the liability of such surety on such bond upon the terms and conditions that in case of default upon such bond, said Commissioner of Banking is authorized to convert such securities so deposited, or such part thereof as may

be necessary, into cash, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor. After the liability of any surety making such deposit shall expire, such securities or any portion thereof, remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash money resulting from the conversion of such securities, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and held to be cumulative of all laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 12. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF

Know all Men by These Presents:

That we,, as principal, and and as sureties, are firmly bound unto the Commissioner of Banking of the State of Texas, and his successors in office as trustee for the benefit of all lawful depositors of the bank or trust company in the sum of dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden will pay upon demand to the Commissioner of Banking of the State of Texas, as trustee for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors, such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at county, Texas, this day of A. D.

.....
As principal.

.....
As surety.

.....
As surety.

(In case sureties bind themselves for limited amounts, they shall state opposite their signatures "to be bound in

any event as provided by law for dollars, and no more.")

It is further provided in this section that upon the payment of any sum made obligatory by reason of the terms of this act, any surety herein making or participating in such payments shall thereby be subrogated to the rights of a depositor, and shall be entitled to assert such right in accordance with the laws of this State, secondary and subject to the rights of the depositors for whose benefits such payments are made.

Sec. 13. The Commissioner of Banking shall be entitled to charge a fee not to exceed twenty dollars (\$20) to be paid by the bank executing the bond as hereinabove provided for the examination of any such bond provided for in Sections 4 and 5 of this act; provided, that in case he shall approve and file same, no additional amount shall be charged for such approval and filing. Out of the proceeds of the fee, the Commissioner shall defray the expenses of investigating the solvency of the sureties upon such bond if any such expenses are incurred and the remainder thereof shall be paid into the general revenue fund of this State.

Sec. 14. The security provided for by this act in Sections 11 and 12 to be executed by bank and trust companies so electing, for the benefits of their depositors may consist of more than one bond, provided that the total amount of liability upon such bond or bonds so filed shall be equal to the amount provided for in this act. In case of default the sureties upon such bonds where more than one has been filed, shall be required to contribute pro rata to make good such default, provided that the amount which shall not be collectible from any such surety by reason of his insolvency, shall be contributed pro rata by all other sureties.

Sec. 15. In the event of the default by any such bank or trust company transacting business or receiving deposits, in the payment of any deposit lawfully due, it shall be the duty of the Commissioner of Banking when such default shall be made known to him to report same forthwith to the Attorney General of the State of Texas, and to give notice thereof to every and all persons who may be obligated by reason of such default, and the conditions of the bond herein provided for and upon the mailing of such notice the full amount of the said bond shall at once become due and payable. And it shall further be the duty of the makers and signers of such bond to pay immediately

the full amount of the same according as he may be obligated to the Commissioner of Banking or such part thereof as he may demand to be held in trust for the depositors of any such bank or trust company executing such bond. and in case any such bank or trust company shall have on hand as part of its assets any real mortgages or vendors' liens or any National, State, county, municipal, school district or other bonds. the Commissioner of Banking shall be authorized to take possession of the same and to value them in accordance with the provisions of this act, providing that such valuation shall not be less than the actual market value thereof, and said Commissioner of Banking shall be and is hereby authorized to convert such real estate mortgages and vendors' liens and other forms of security herein provided for into actual cash money, to be credited by him upon the liability of the bond hereinbefore provided for in the manner and upon the terms as provided for by this act. All proceeds thus arising herewith from voluntary payments or otherwise, shall be by the Commissioner of Banking or his special agent promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositor shall be made and approved by him, and a full report of all such claims and payments signed by said Commissioner of Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as surety of such bond shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand as hereinabove provided for the full amount due by it upon such bond its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice thereof from the Commissioner of Banking, to bring suit in the district court of any county in this State where he may elect, to forfeit such charter and upon a hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond shall be a corporation, incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the

State, and which shall refuse and fail to pay on demand therefor by the Commissioner of Banking, as herein provided for, the full amount of its liability upon such bond, it shall thereupon be the duty of the Commissioner of Banking to thereafter suspend the permit of said corporation to transact business in this State, until it shall be shown to his satisfaction that it has fully discharged its liability upon such bond upon the default thus made.

Sec. 16. In the event such persons, firms, corporations so executing such bond shall make default in the payment of the same lawfully demanded for a period of fifteen days after such demand and the obligations of such bond are not discharged, it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond in the name of the State of Texas for the benefit of all persons who may be beneficiaries of said bond by reason of its terms and conditions; such suit shall be instituted in the district court of the county where the bank or trust company executing such bond had its principal place of business at the time of its failure or in any county immediately adjacent thereto, at the option of the Attorney General. And in any such suit so brought upon any such bond, the Attorney General shall have the right by writ of sequestration as is provided by law, except that no bond or affidavit shall be required of the State of Texas before the issuance thereof, to seize and take possession of the property and effects, except exempt property under the laws of this State, of any such sureties upon such bond of any bank or trust company so failing and defaulting in the payment of its deposits when lawfully demanded as hereinbefore provided for. The proceeds collected by any such suit or action shall be distributed by the Commissioner of Banking to the depositors entitled thereto in the same manner provided in this act with respect to payments voluntarily made by sureties upon such bonds.

Sec. 17. If at any time it appears to the Commissioner of Banking that the bond of any bank or trust company is insufficient, he shall have the authority, and it shall be his duty to require such banks and trust companies to file new and additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act as applicable to banks and trust companies. In the event such

banks and trust companies shall refuse to or fail to comply with such requirements, the Commissioner of Banking shall proceed as is provided for by law in the case of insolvent banks.

Sec. 18. If any cashier, director or other officer or employe of, or any person connected with any bank or trust company as defined in this act, shall knowingly transfer or otherwise dispose of any of its real estate, mortgage, or lien or any of its National, State, county, municipal, school district or other bonds when such bank or trust company is in a failing or insolvent condition, such cashier, director or other officer or employe of or any person connected with such bank or trust company so transferring the same or aiding, assisting or abetting or knowingly assenting to any such transfer, shall be deemed guilty of a felony, for which prosecution may be had in the district court of the county where such bank or trust company is located, and upon conviction shall be imprisoned in the State penitentiary for not less than two nor more than five years.

Sec. 19. Any national bank in this State approved by the Commissioner of Banking, may voluntarily avail its depositors of the protection of the provisions of this act by application to the State Banking Board in writing, and the said application may be granted upon terms and conditions in harmony with the purposes of this act, to be agreed upon by the State Banking Board, the Commissioner of Banking and the Comptroller of Currency of the United States of America; provided that in the event national banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the depositors in the national banks in this State should be secured by virtue of Federal Laws, that the national banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all premiums levied upon and paid by said banks and trust companies, however, should the courts declare this section of this bill unconstitutional or unauthorized by law, or in conflict with any other section or provisions of this act, or with any existing banking laws of this State, then such decision shall affect only this section, such section being independent of the other sections of this act.

Sec. 20. Each and every national bank heretofore incorporated, organized and existing under and by virtue of the

banking laws of the United States of America, shall have the right and privilege at its option, and authority is hereby granted unto each and all such national banks, in so far as the State of Texas may have authority so to do, to come within and under the terms, regulations and stipulations of the provisions of this act for the security of deposits. The words "State banks" when used in this act shall be held to include and apply to all banking corporations heretofore incorporated or which may hereafter be incorporated under the banking laws of this State.

Sec. 21. It shall be the duty of the Commissioner of Banking to issue to each State bank or trust company which the State Banking Board shall have approved and certified to him as provided in this act, as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve, to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business.

The Commissioner of Banking shall close all State banks and trust companies which the State board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided for by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation.

Sec. 22. The Commissioner of Banking shall issue to all banks and trust companies securing their deposits as provided in Sections 11 and 12 of this act, a certificate to that effect which shall be posted on the office of such banks or trust companies. Such banks or trust companies may print upon its stationery and advertisement words to this effect: "The depositors of this bank or trust company are protected by security bonds under the laws of this State." Any bank or trust company or any officer, director, stockholder or other person for any such bank or trust company who shall write, print, publish or advertise in any manner, or by any means, or permit any one for them, or for said bank or trust company to write, print, publish or advertise any statement that the depositors of any such bank or trust company are secured otherwise than is permitted in this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1000, or be punished by im-

prisonment in the county jail for not less than three months nor more than twelve months or by both fine and imprisonment.

Pending the reading of the substitute, on motion of Senator Watson, the same was dispensed with.

Senator Hume moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Senter.
Brachfield.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—9.

Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Stokes.
Harper.	Willacy.
Holsey.	

Absent.

Hudspeth.	Real.
Perkins.	Sturgeon.

Senator Harper offered the following substitute for the amendment:

Pending the reading of the substitute, on motion of Senator Watson, the same was dispensed with.

Amend the bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every bank of deposit or discount or banking and trust company hereafter incorporated under the laws of this State shall be and is hereby required to secure the payment of funds deposited with any such bank or trust company, by giving a bond as hereinafter provided or by availing its depositors of the protection of the State bank guaranty fund, to be created in the manner hereinafter set forth; all banks or banking and trust companies taking advantage of this act by securing their depositors by bond as hereinafter provided shall be denominated herein as bond security banks; all banks or banking and trust companies availing their depositors of the protection of the State bank guaranty fund as hereinafter provided, shall be denominated herein as guaranty fund banks; and whenever in this act the words bond security banks

are used and applied the same shall be deemed and held to apply to all such banks, banking and trust companies as may secure their deposits by the bond system hereinafter provided for; whenever the words guaranty fund banks are used or applied in this act the same shall be deemed and held to apply to each and every such bank or banking and trust company availing its depositors of the protection of the State bank guaranty fund.

Sec. 2. Each and every bank of deposit or discount or banking and trust company heretofore organized and incorporated under and by virtue of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas and known as the State banking law, shall be required to secure its deposits by the manner, methods and under the terms, provisions and regulations as set forth in this act for bond security banks or guaranty fund banks; provided, that any such banks or banking and trust companies so securing their depositors shall have the privilege and option of accepting and coming in under the terms and provisions of this act as the same applies to bond security banks or guaranty fund banks; such option and privilege to be exercised in the manner as hereinafter provided. Nothing in this act shall be construed as making it compulsory for any such bank or banking and trust company heretofore incorporated to accept either the bond security system or the guaranty fund system, but the adoption of either such system as to them shall be voluntary.

Sec. 3. Each and every National bank heretofore incorporated, organized and existing under and by virtue of the banking laws of the United States of America shall have the right and privilege at its option, and authority is hereby granted unto each and all such National banks, in so far as the State of Texas may have authority so to do, to come within and under the terms, regulations and stipulations of the provisions of this act for the security of deposits by either the bond security system or the guaranty fund bank system, as hereinafter set forth. The words "State banks" when used in this act shall be held to include and apply to all banking corporations heretofore incorporated or which may hereafter be incorporated under the banking laws of this State.

Sec. 4. Each and every State bank hereafter incorporated, which shall elect to come under the provisions of this act

as a bond security bank, shall file annually with the Commissioner of Insurance and Banking a good and sufficient bond, payable to the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such banks. Such bond may be executed by individuals; provided, that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that such individual sureties must be residents of the State of Texas, and must own unincumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act; and provided further, that in the event such bond is executed by individual surety each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the commissioners court of such county in which the bank receiving deposits and making such bond is situated, and such approval by said commissioners court shall be made a matter of record upon the minutes of said court, and such bond shall be further subject to the approval of the Commissioner of Insurance and Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such bond shall be executed in respective amounts according to the respective amounts of its capital stock, as follows, to wit:

All such bond security banks having a capital stock of fifty thousand dollars (\$50,000) and less, shall execute such bond in an amount equal to double the amount of its capital stock. All such banks having a capital stock in excess of fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to one and one-half times the amount of its capital stock. All such bond security banks having a capital stock in excess of one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to the amount of its capital stock. It is further provided herein that any such banks mentioned in this section whose capital stock shall be in excess of one hundred thousand dollars (\$100,000) and which, at the time of its defalcation of the payments of its deposits as hereinafter provided, shall have in its possession and ownership good and sufficient exclusive real estate first mort-

gages or vendors' lien, or good and lawful interest-bearing National, State, county, municipal, school district bonds, or bonds of any political subdivision authorized by law to issue the same, or either of them, which shall be approved by the Commissioner of Insurance and Banking, then the liability of any such bank as principal and its sureties upon any such bond as herein provided for shall be reduced proportionately to the extent of the approved cash value of such real estate mortgages, or liens, or National, State, county, municipal, school district or other bonds, as may be determined by the Commissioner of Insurance and Banking at the time of the accrued liability upon such bonds so executed by such bond security banks for the purpose of securing its depositors.

In the event any person, firm or corporation, or association of persons, executing the bond or guaranty herein provided for as sureties for any such bank shall transfer such portion of his or its property within four months prior to the notice herein provided for in case of the default of the deposits lawfully demanded as that his remaining property over and above all lawful exemptions would be insufficient to meet the requirements of his respective liability upon said bond, and in such event, such transfer of such property shall be void as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preferred lien upon the property so undertaken to be transferred in favor of the Commissioner of Insurance and Banking as trustee for and on behalf of the lawful depositors of any such bond security bank so making default in the payment of its deposits to the extent of any portion of any unpaid legal liability due and owing upon such bond; provided, that the satisfaction of such bond as provided for in this act and the terms of such bond shall satisfy and discharge such preferred lien hereinabove provided for; provided, that if any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Insurance and Banking equal in amount to the liability of such

surety on such bond upon the terms and conditions that in case of default upon such bond, said Commissioner of Insurance and Banking is authorized to convert such securities so deposited, or such part thereof as may be necessary, into cash money, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor: then, and in that event, such preference lien shall not thereafter exist. After the liability of any surety making such deposit shall expire, such securities, or any portion thereof remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Insurance and Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash money resulting from the conversion of such securities, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and held to be cumulative of all other laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 5. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF

Know all Men by These Presents:

That we,....., as principal, and..... and....., as sureties, are firmly bound unto the Commissioner of Insurance and Banking of the State of Texas and his successors in office as trustee for the benefit of all lawful depositors of the..... bank or trust company in the sum of..... dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden..... will pay upon demand to the Commissioner of Insurance and Banking of the State of Texas, as trustee for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors, such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at.....

County, Texas, this.....day of.....
A. D.....

.....as principal.
as surety.
as surety.

(In case sureties bind themselves for limited amounts they shall state opposite their signatures "to be bound as provided by law for..... dollars, and no more.")

It is further provided in this section that upon the payment of any sum made obligatory by reason of the terms of this act, any surety herein making or participating in such payments shall thereby be subrogated to the rights of a depositor, and shall be entitled to assert such right in accordance with the laws of this State, secondary and subject to the rights of the depositors for whose benefits such payments are made.

Sec. 6. The Commissioner of Insurance and Banking shall be entitled to charge a fee not to exceed twenty dollars (\$20) to be paid by the bank executing the bond as herein above provided for the examination of any such bond provided for in Sections 4 and 5 of this act; provided, that in case he shall approve and file same, no additional amount shall be charged for such approval and filing. Out of the proceeds of the fee the Commissioner shall defray the expenses of investigating the solvency of the sureties upon such bond if any such expenses are incurred, and the remainder thereof shall be paid into the general revenue fund of this State.

Sec. 7. The security provided for by this act to be executed by bond security banks for the benefits of its depositors may consist of more than one bond; provided, that the total amount of liability upon such bond or bonds so filed shall be equal to the amount provided for in this act. In case of default the sureties under such bonds where more than one has been filed, shall be required to contribute pro rata to make good such default; provided, that the amount which shall not be collectible from any such surety by reason of his insolvency, shall be contributed pro rata by all other sureties.

Sec. 8. In the event of the default by any such bond security bank, transacting business or receiving deposits, in the payment of any deposit lawfully due, it shall be the duty of the Commissioner of Insurance and Banking when such default shall be made known to him to report the same forthwith to the Attorney General of the State of Texas, and to give notice to every and all persons who may be obligated by

reason of such default, and the conditions of the bond herein provided for and upon the mailing of such notice the full amount of the said bond shall at once become due and payable. And it shall further be the duty of the makers and signers of such bond to pay immediately the full amount of the same according as he may be obligated to the Commissioner of Insurance and Banking or such part thereof as he may demand to be held by him in trust for the depositors of any such bond security bank executing such bond, and in case any such bond security bank shall have on hand as part of its assets, any real estate mortgages or vendors' liens, or any National, State, county, municipal, school district, or other bonds, the Commissioner of Insurance and Banking shall be authorized to take possession of the same and to value them in accordance with the provisions of this act; provided, that such valuation shall not be less than the actual cash market value thereof, and said Commissioner of Insurance and Banking shall be and is hereby authorized to convert such real estate mortgages and vendors' liens and other forms of security as herein provided for into actual cash money, to be credited by him upon the liability of the bond hereinbefore provided for in the manner and upon the terms as provided for by this act. All proceeds thus arising herewith from voluntary payment or otherwise, shall be by the Commissioner of Insurance and Banking or his special agents promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositor shall be made and approved by him, and a full report of all such claims and payments signed by said Commissioner of Insurance and Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as surety of such bond or policy of insurance and other guaranty of indemnity shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand therefor as hereinbefore provided for the full amount due by it upon such bond, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice from the Commissioner of

vided for by this act. All proceeds thus arising herewith from voluntary payment or otherwise, shall be by the Commissioner of Insurance and Banking or a special agent promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claim, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositors shall be made and approved by him, and a full report of all such claims and payments paid by said Commissioner of Insurance and Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as security of such bond or policy of insurance and other guaranty of indemnity shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand therefor as hereinbefore provided for the full amount due by it upon such bond, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice thereof from the Commissioner of Insurance and Banking, to bring suit in the district court of any county in this State which he may elect to forfeit such charter, and upon hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond shall be a corporation, incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and which shall refuse and fail to pay on demand therefor by the Commissioner of Insurance and Banking, as herein provided for, the full amount of its liability upon any such bond, it shall thereupon be the duty of the Commissioner of Insurance and Banking to thereafter suspend the permit of said corporation to transact business in this State, until it shall be shown to his satisfaction that it has fully discharged its liability upon such bonds upon the default thus made.

Sec. 21. In the event such persons, firms, corporation, so executing such bank security bond shall make default in the payment of the same lawfully demanded for a period of fifteen days after such demand and the obligation or such bond is not discharged, it shall be the duty of the Attorney General, or any district or county attorney, acting

at his instance, to bring suit upon such bond in the name of the State of Texas, for the benefit of all persons who may be beneficiary to said bond by reason of its terms and conditions; such suit shall be instituted in the district court of the county where the bond security bank had its principal place of business at the time of its failure, or any county immediately adjacent thereto at the option of the Attorney General. And in any such suit so brought upon any such bond, the Attorney General shall have the right by writ of sequestration, as is provided in the law, except that no bond or affidavit shall be required of the State of Texas before the issuance thereof, to seize and take possession of the property and effects of any such sureties upon such bond of any bond security bank so failing and defaulting in the payment of its deposits when lawfully demanded as hereinbefore provided for. The proceeds collected by any such suit or action shall be distributed by the Commissioner of Insurance and Banking to the depositors entitled thereto in the same manner provided in this act with respect to payments voluntarily made by sureties upon such bonds.

Sec. 22. If at any time it appears to the Commissioner of Insurance and Banking that the bond of any bond security bank, which has elected to come under the provisions of this act, is insufficient, he shall have the authority, and it shall be his duty to require such bond security banks to file new and additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act, as applicable to bond security banks. In the event such bond security banks shall refuse to or fail to comply with such requirements, the Commissioner of Insurance and Banking shall proceed as provided for by law.

Sec. 23. All banks securing their deposits by bond as provided for in this act are hereby authorized to use the following words upon their advertisements: "The deposits of this bank are protected by security bonds under the laws of this State." Any officer, director or stockholder of any bank or trust company coming under the bond security system herein provided, who shall use or permit the use of any advertisement that the deposits of any such banks are secured except as permitted in this section shall be guilty of a felony and on conviction thereof shall be punished by confinement in the penitentiary for not less than two nor more than five years.

visions of this act relating to bond security banks or those relating to guaranty fund banks, in either event such vote shall be entered upon the minutes of the corporation and a duly certified copy thereof, attested by the president and cashier shall be immediately forwarded to the Commissioner of Insurance and Banking, who shall file the same in his office and shall record the same in a book to be kept for that purpose, and thereafter as hereinafter provided such State bank shall be in all respects subject to and governed by all the provisions of this act applicable to guaranty fund banks or to all the provisions of this act applicable to bond security banks, as the case may be. The incorporators of all State banks hereafter incorporated shall be required to file with their articles of incorporation a statement signed by them, availing their depositors of the protection afforded either by the provisions of this act relating to bond security banks, or of those relating to guaranty fund banks, and all such State banks hereafter incorporated shall be governed by the provisions of this act so accepted in such statement.

All State banks electing under the provisions of this act to become bond security banks as defined in this act or guaranty fund banks as defined in this act, in the manner provided for, which shall exercise the right of such election prior to October 1, 1909, shall file with the Commissioner of Insurance and Banking proper evidence of such action prior to October 1, 1909, and shall be entitled to exercise all the rights and privileges granted to such banks on and after said date, and all State banks thereafter exercising either of said options shall be entitled to exercise such rights and privileges on and after the beginning of the first quarter of a calendar year, after they shall file proper evidence of such action.

Sec. 13. Any national bank in this State, approved by the Commissioner of Insurance and Banking, may voluntarily avail its depositors of the protection of the provisions of this act relating to bond security banks or of those relating to guaranty fund banks, by application to the State Banking Board, in writing, and the said application may be granted upon terms and conditions in harmony with the purposes of this act, to be agreed upon by the State Banking Board, the Commissioner of Insurance and Banking and the Comptroller of Currency of the United States of America; provided, that in the event nation-

al banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the deposits in national banks in this State should be guaranteed by virtue of Federal laws, that the national banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks; however, should the courts declare this section of this bill unconstitutional or unauthorized by law, or in conflict with any other section or provision of this act, or with any existing banking laws of this State, then such decision shall effect this section, such section being independent of the other sections of this act.

Sec. 14. It shall be the duty of the Commissioner of Insurance and Banking to issue to each State bank which the State Banking Board shall have approved and certified to him as provided in this act as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business. Such certificate of authority when issued to guaranty fund banks shall contain the following statement on the face thereof in bold type: "The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund." And when issued to bond security banks shall contain the following statement on the face thereof in bold type: "All the deposits of this bank are protected by security bond under the laws of the State of Texas." And when issued to the State banks other than guaranty fund banks and bond security banks, it shall contain neither of these, nor any similar statement. The Commissioner of Insurance and Banking shall close all State banks which the State Banking Board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation.

Sec. 15. All guaranty fund banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish, either by forms of advertising which they may adopt, or upon their stationery, the following words:

"The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund." All bond security banks provided for in this act are hereby authorized and empowered if they desire to do so, to publish either by forms of advertising which they may adopt, or upon their stationery, the following words: "All the deposits of this bank are protected by security bonds under the laws of this State." Any guaranty fund bank or bond security bank or any officer, director, stockholder, or other person for any such bank, who shall write, print, publish or advertise in any manner or by any means or permit any one for them or for said bank to write, print, publish or advertise any statement that the deposits of any such bank are secured otherwise than as permitted in this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100, nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment. Any person who shall write, print, publish or advertise the above statement authorized to be used by bond security banks or guaranty fund banks other than for and on behalf of such banks shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment.

Sec. 16. On and after the first day of January, 1910, all guaranty fund banks shall be liable pro rata, in the manner and proportion and to the extent hereinafter provided for the payment of all the liabilities of each such guaranty fund bank to its guaranteed depositors as hereinafter defined.

All the liabilities of guaranty fund banks other than liabilities to stockholders on account of stock owned by them, except debts due by such banks for which they have given collateral or other security, and debts due depositors, or other persons, upon which such guaranty fund banks or any person for them or on their behalf have directly or indirectly paid or agreed to pay, or have become liable in law to pay, any interest, bonus, commission or other compensation, whatever shall be considered and defined and hereinafter referred to as their "guaranteed deposits" and the persons to whom such liabilities are or may become due and payable, shall be considered and defined and hereinafter

referred to as their "guaranteed depositors."

Sec. 17. For the purpose of carrying out and enforcing the provisions of this act, there is hereby created the State Banking Board, which shall be composed of the Commissioner of Insurance and Banking, who is hereafter referred to in this act as the Commissioner, the Attorney General and a citizen of this State, who shall be appointed by the Governor of this State, and who, prior to his appointment, shall have had five years' experience as an active officer of a bank and who shall receive as his compensation as a member of the State Banking Board the sum of \$10 per day for each day while engaged in active discharge of his duties as a member of said board. Immediately after this act shall take effect, said board shall cause to be made by the State bank examiners, who are hereby placed under the direction and control of said board for that purpose, a full and careful examination of the affairs of each and every State bank doing business in this State, for the purpose of ascertaining its financial condition, the character, amount and values of its assets, the extent of its liabilities, the financial responsibility of its stockholders, the general reputation as to competency and business qualifications of its officers and directors, and such other facts as said board may deem advisable and may direct; and said board shall require a full and detailed report of such examination of each such corporation, to be made by the State Bank Examiner making such examination, under his oath of office, such report to be filed with said board not later than the first day of December, 1909. It shall be the duty of the State Banking Board, from time to time after this act shall take effect, and prior to January 1, 1910, as the reports of examinations provided for in this section shall be filed with it, to consider and pass upon such reports, and to determine therefrom, and from such additional facts as may be submitted for its consideration, or as it may ascertain from other investigation, whether such State bank is solvent and its capital stock unimpaired, and whether its officers and directors are of good general reputation as being competent to properly discharge the duties incumbent upon them as such officers or directors and whether it is entitled under the laws of this State to continue to transact a banking business, provided that any ruling or decision of said State Banking Board shall be subject to review by any

district court having jurisdiction of the persons composing said board upon the suit of any party affected thereby brought within twenty days after the date of such ruling or decision. Said board shall keep a record of its proceedings and findings relative to each bank considered and passed upon, and shall file a certified copy thereof, signed by each member of said board, in the office of the Commissioner, which shall be by him duly recorded in a book to be kept for that purpose.

Sec. 18. Section 2 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Section 2. The articles of association shall set out:

"(1). The corporate name of the proposed corporation, which shall not be the name of any corporation heretofore incorporated in this State for similar purposes, or any imitation of such name, and which shall include as part thereof, either the word 'bank' or 'banking.'

"(2). The name of the city or town and county in which the corporation is to be located.

"(3). The amount of the capital stock of the corporation, which shall be divided into shares of \$100 each; that the same has been bona fide subscribed and actually paid up in lawful money of the United States, and is in the custody of the persons named as the first board of directors or managers.

"(4). The name and place of residence of the several shareholders, and the number of shares subscribed by each.

"(5). The number of directors or managers, and the names of those agreed upon for the first year.

"(6). The number of years the corporation is to continue, which in no case shall exceed fifty years."

Such articles shall be signed and acknowledged by the parties thereto, shall be filed in the office of the Commissioner of Insurance and Banking, and when so filed shall be immediately submitted to the Attorney General for his approval, and if found by him to be in accordance with law, he shall so certify and return the same to the Commissioner of Insurance and Banking, who shall record the same in a book to be kept for that purpose, and shall make a certified copy thereof, under his hand and seal, and shall immediately deliver such certified copy to a State bank examiner, by whom he shall cause to be made an examination for the purpose of ascertaining whether the requisite

capital stock of such corporation has been fully paid up as required by the Constitution and laws of this State. No certificate of incorporation under this act shall be valid unless at the time the articles of association were signed and acknowledged, the capital stock therein prescribed shall have been bona fide subscribed and paid up in lawful money of the United States. If, upon such examination, it shall be found that the Constitution and laws have been fully complied with, the person making such examination shall deliver to the president or cashier of said corporation the certified copy of its articles of incorporation, and shall take therefor the receipt of such corporation, and of the person to whom the same shall be delivered. Upon the deliverance of such certified copy and the execution of the receipt therefor and upon the filing for record of such certified copy in the office of the county clerk of the county in which the corporation is to be located, the same shall become valid and effective as to the charter of said corporation, which shall thereupon be allowed to open its doors and engage in business as a State bank. It shall be the duty of the examiner to immediately make a report of such examination under his oath of office to the State Banking Board, whose duties it shall be to forthwith consider and act upon the same and to determine therefrom and from such additional facts as may be submitted for its consideration, or as it may ascertain from other investigation, whether such corporation is solvent and its capital stock unimpaired, and whether its officers and directors are of good general reputation as being competent to properly discharge the duties incumbent upon them as such officers or directors, and whether it is entitled under the laws of this State to transact a banking business.

If the State Banking Board shall have approved the chartering of such bank, upon receipt of its certificate, the Commissioner shall issue to such corporation the certificate of authority above provided for. In case the State Banking Board shall disapprove the report of the examiner, and refuse to certify that such corporation is entitled to a certificate of authority, it shall be the duty of the Commissioner to immediately close the office of such corporation, unless it shall go into voluntary liquidation, and to proceed in the manner provided by law with respect to insolvent banks. All amendments to the charters of all banking corporations

heretofore or hereafter formed shall be filed in the office of the Commissioner of Insurance and Banking and approved by the Attorney General and recorded by said Commissioner, when so approved, in the same manner as original charters.

Sec. 19. Section 10 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Section 10. The articles of agreement shall be signed and acknowledged by the parties thereto and recorded in the office of the Commissioner of Insurance and Banking, who shall submit the same to the Attorney General for his approval, and if found by him to be in accordance with the law, he shall so certify and return the same to said Commissioner, who shall record the same in a book to be kept for that purpose and make a certified copy thereof under his hand and seal, and thereafter the same steps shall be taken, and the same course pursued as provided by law with respect to the incorporation of banks of deposit or discount, or both of deposits and discounts."

Sec. 20. Section 5 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas, is hereby amended, so as to hereafter read as follows:

"Section 5. That hereafter the capital stock of all banking corporations, which shall be fully paid up, shall not be less than \$10,000, if the business is to be transacted in towns or cities having less than 750 inhabitants, nor less than \$25,000 if the business is to be transacted in towns or cities having 750 or more and less than 3000 inhabitants, nor less than \$50,000 if the business is to be transacted in towns or cities having 3000 or more and less than 6000 inhabitants; nor less than \$100,000 if the business is to be transacted in towns or cities having 6000 inhabitants or more. Provided, that a banking corporation may be formed with a capital, with not less than \$50,000, having power to transact business in any city or town having 6000 inhabitants or more, at a point designated in its charter, not less than one mile removed from the place of business, at the time such corporation is formed, of any banking corporation organized under the laws of Texas, or of those of the United States. The population of all towns and cities for the purpose of fixing the minimum capital stock of banks under this act shall be ascertained by the Commissioner of

Insurance and Banking, from such affidavits as may be submitted to him or such proof as he may obtain upon investigation."

Sec. 21. All State banks transacting business in this State shall be required on and after the first day of January, 1910, to hold a certificate of authority to transact a banking business, issued by the Commissioner, in compliance with the provisions of this act, and to keep the same conspicuously posted at all times in the banking house where such business is transacted. Any person, or persons, who shall in any capacity, transact or hold themselves out as transacting business of banking for or on behalf of any State bank or banking or trust company, after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense, each day being considered a separate offense, by a fine of not less than \$100 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 22. No State bank shall be entitled to transact the banking business unless its officers and directors are men of good general reputation in the community in which they may reside, as being competent to properly discharge the duties incumbent or to be incumbent upon them as such officers or directors.

Sec. 23. The Commissioner shall, during the month of November, 1909, and of each calendar year thereafter, require the cashier of each State bank which has been so organized and doing business for one year prior to November 1 of each calendar year, to file with him a sworn statement of the average daily deposits of such bank for said year ending November 1; and he shall require the cashiers of all other State banks to each file with him, during said month of November, a sworn statement of the total amount of the capital, surplus and undivided profits of their respective banks, as of said first day of November.

Sec. 24. Immediately after the first day of November, 1909, the State Banking Board, shall for the purpose of creating a State bank guaranty fund.

levy against each guaranty fund bank, which it shall have approved as being entitled to transact the banking business, an assessment of 1 per cent of its average daily deposits for the year ending on the first day of November, 1909, if it shall have transacted business for one year prior to said date, or an assessment of 3 per cent of its total capital, surplus and undivided profits, as of the first day of November, 1909, if it shall not have transacted business for one year prior to that date; provided, that if said assessment shall not, in the aggregate, provide a fund of at least three hundred thousand (\$300,000) dollars, then the same shall be proportionately increased to such percentage of the average daily deposits and of the capital, surplus and undivided profits, respectively, as will provide a fund of that amount, immediately after the first day of December of each year, after 1909, the State Banking Board shall relevy and readjust the assessment above provided for in the same manner except that they shall each succeeding year increase the percentage of the assessment upon the average daily deposits of the banks to which such assessment is applicable by one-fourth of 1 per cent, and they shall increase the percentage of assessment upon the capital, surplus and undivided profits of banks to which such assessment is applicable by three-fourths of 1 per cent, until such time as the total amount of said State bank guaranty fund shall equal 5 per cent of the average daily deposits of all of the guaranty fund banks, which have been in business for as much as one year. added to 15 per cent of the capital, surplus and undivided profits of all other guaranty fund banks. Each guaranty fund bank shall pay such assessments by crediting the State bank guaranty fund with the amount thereof upon its books, as of date January 1, next, after the said assessment is made, as a demand deposit. subject to check, upon the order of the State Banking Board, and shall, prior to said date, forward to the Commissioner proper evidence of such credit and each guaranty fund bank shall charge the amount of each such assessment as credited to the State bank guaranty fund upon its books to "interest in State bank guaranty fund," and shall be entitled to treat in its statements of condition and otherwise the amount of its said interest in said fund, as shown by its books, as a portion of its assets; provided, that the amount of its said interest in said fund shall not include any of the amounts paid out upon gen-

eral checks drawn by the order of the State Banking Board. The relevy and readjustment of the assessment herein provided for shall be made on such basis as will provide a State bank guaranty fund, as of January 1, of each succeeding year, equal to the percentages herein prescribed of the average annual deposits and capital, surplus and undivided profits, respectively, for each succeeding year, until the maximum percentage herein prescribed shall be attained and thereafter such relevy and readjustment shall be made each year upon such a basis as will provide a fund upon January 1, of each year amounting to 5 per cent of the annual deposits and 15 per cent of the capital, surplus and undivided profits. as hereinbefore provided for.

If, in the making of such relevy and readjustment, it becomes necessary to reduce the amount of the assessment of any guaranty fund bank, said board shall order a check to be signed by the Commissioner, and countersigned by some other member of said board, designated for that purpose. drawn upon said guaranty fund bank in favor of itself, dated January 1, next thereafter, for the amount of such reduction, which the Commissioner shall forthwith transmit to such bank, and if it shall be necessary to increase the assessment of any guaranty fund bank, it shall direct the Commissioner to notify such bank of the amount of such increase, and require that it credit the State bank guaranty fund with the amount of such increase, as of date the first day of January, next thereafter, and send to the Commissioner proper evidence of such credit, prior to said date. Any State bank which shall become a guaranty fund bank, in accordance with the provisions of this act at any time after the first day of January, 1910, shall, before it shall be issued a certificate of authority to transact a banking business as a guaranty fund bank, shall credit the State bank guaranty fund, as herein before provided, with an amount equal to 1 per cent of its average daily deposits for the year ending November 1, preceding, if it shall have transacted business for that period, or 3 per cent of its capital, surplus and undivided profits, if it shall not have transacted business for such period or 3 per cent of its capital stock and paid in surplus, if any, if a newly incorporated bank, and furnish the Commissioner with proper evidence of such credit. Whenever the amount deposited to the credit of the State bank guaranty fund on the books

to be appointed by the Governor, which latter two members of said board shall receive as compensation for such services the sum of \$10 per day for each day while actually engaged in discharge of his duties as a member of said board. Said board shall have control, managements and directions of the depositors' security fund herein provided for and shall have power and it is made their duty to adopt and promulgate from time to time rules, regulations and requirements as may be deemed necessary or proper for the accumulation, payment, managements and control and disposition of said fund and to carry out the provisions and intent of their land and inconsistent herewith.

Sec. 2. It is the intent of this act to provide for the creation of a fund to be known as the "depositors' security fund," which shall be ascertained and deemed sufficient to pay probable losses of the lawful depositors of State banks and trust companies in this State, that elect to come under the provisions of this act providing for a "depositors' security fund," and also, to provide for the securing of deposits by the execution of a bond for the purpose and in the manner herein provided for. It is not intended by this act to hold or make liable any State bank or trust company that avails itself of the "depositors' guaranty fund" for the losses to depositors occurring from failures of other State banks or trust companies, but only to the extent and by the contribution to said State security fund, as provided in this act. Each and every bank of deposit and banking and trust company or trust company availing itself of the "depositors' security fund," receiving deposits now or hereafter organized under the laws of this State shall be liable in the manner and proportion and to the extent hereafter provided to pay to the "depositors' security fund" such premiums or sums as may be ascertained to be sufficient to constitute a fund to cover the probable losses to depositors from the failure or failures of State banks or trust companies that shall avail themselves of the "depositors' security fund." Said premiums or sums to be annual premiums or sums and to be fixed and stated and to be paid at fixed and stated times. The said fund is to be accumulated and said premiums are to be ascertained and fixed and paid in the manner hereinafter provided. Said fund is to be created and accumulated by and under the direction of said State Banking Board from annual premiums to be paid

by the several State banks and trust companies that elect to come under the provisions of this act providing a "depositors' security fund" and based upon their average lawful deposits and equitably and justly pro rated amongst the several banks and trust companies organized under the laws of this State, that shall avail themselves of the "depositors' security fund."

Sec. 3. Each and every State bank and trust company that elects to come under the provisions of this act providing a depositors' security fund, shall pay into said fund on or by the first day of January, 1910, in such manner as the State board may provide, a sum equal to one-half of one per cent of its daily average lawful deposits for the year 1909, not including United States, State or other public funds otherwise secured, nor deposits of other banks and trust companies, but including savings deposits unsecured and not bearing interest exceeding 5 per cent per annum. And all subsequent annual premiums shall be payable by the first day of January of each year and shall be the premiums or payments for the year preceding, and shall be based upon its daily average lawful deposits of the preceding year. Each and every State bank and trust company organized after the first day of January, 1910, that elects to come under the provisions of this act providing a "depositors' security fund" shall by the first day of January next after its organization pay into said fund one-half of one per cent of its daily average lawful deposits of the year of its organization and shall thereafter pay the annual premium or make payments to said fund in like manner as herein required of all State banks and trust companies that avail themselves of the provisions of this act creating the "depositors' security fund." All premiums or payments to said fund due or owing any State bank or trust company to said fund shall constitute a preference claim or lien upon the assets of said bank and trust company and the same shall apply to any bank or trust company or banking corporation which may have failed while due or owing any such premiums or payment either for that or any previous year.

Sec. 4. Said banking board shall as soon after its organization as is practicable make a full investigation and ascertain and determine after due investigation what sums or premiums paid annually upon the daily average lawful deposits of the State banks and trust companies protected by the "de-

positors' security fund" as provided herein, will create and provide a fund deemed sufficient to pay the probable losses sustained by the depositors of such bank and trust companies that shall avail themselves of the "depositors' security fund" from any failures of such banks and trust companies. In ascertaining and fixing such annual premiums or payments, said banking board shall take a sufficient given period of years and from all data and information available shall determine what sum or fund will cover the probable losses to the depositors from failure of State banks and trust companies availing themselves of the "depositors' security fund" during such period of years, and said board shall ascertain, determine and fix an annual premium upon the lawful deposits of such State banks and trust companies availing themselves of the "depositors' security fund," as when collected will create and provide a fund which will cover the probable losses accruing to such depositors from the failure of the State banks and trust companies availing themselves of the "depositors' security fund," ascertained and determined by said board; which annual premiums or payments as ascertained and established shall be paid by every bank and trust company electing to come under the provisions of this act providing a "depositors' security fund," ratable in proportion to its daily average lawful deposits covered by this act; provided no bank or trust company availing itself of the "depositors' security fund" shall be required to pay during any one year any sum created or in excess of the premiums or payments so fixed and established, and provided further, that said premium or payment shall never exceed one-fourth of one per cent of any one year, except for the first year. It is the intention of this act to create a fund for the security of deposits to the extent that such annual premiums or payments and the accumulation therefrom will constitute as herein provided.

Sec. 5. Whenever there shall be on hand a surplus of said fund, after paying the losses to depositors which may have occurred as provided in this act, and when such surplus in the judgment of said board, is sufficient to justify either the suspension of or reduction in the collection of further sums or premiums from the banks and trust companies which have contributed to said surplus, then said board shall reduce or suspend such payments and in subsequent collection of premiums or pay-

ments for a year or years shall make due and equitable allowances to or give proper credit to the several banks and trust companies for their respective contributions to said fund, and said banking board shall keep or cause to be kept an account with each bank and trust company showing the amounts paid to said fund by each bank, and said board shall keep or cause to be kept books and records showing when said fund was collected, from whom said fund was collected and the amount of same; and should it become necessary for said board to pay out said fund or any part thereof by reason of any failure or failures of any State bank or trust company, said board shall keep a record of such amount as paid, when the same was paid out and to whom said amount was paid; and shall make an annual detailed report in writing and under oath to the Governor of this State, showing the amount of money received by said board, when and from whom received, the amounts paid out, when and to whom same was paid, if anything, and the amount available of said fund.

Sec. 6. The fund herein provided for shall be deposited with the State Treasurer, who shall be the official custodian of said fund, and who shall cause to be kept a separate account of the same; and said fund shall be paid out on warrants or orders issued by said Banking Board; and said fund, nor any part thereof, shall never be diverted from the purposes herein specified. Said Banking Board may provide from time to time for the deposit of any portion of said fund in the State depositories, subject to the call of said board, under such rules and regulations as may be prescribed by said board.

Sec. 7. Whenever the surplus accumulated in the said fund shall be deemed by said Banking Board more than sufficient to constitute an available fund for the payment of probable losses, said board shall convert so much of said surplus as may not be required as an available fund for investment, and said board shall invest such fund in good and sufficient State, county or municipal bonds, bearing a rate of interest not less than three per cent per annum, and the interest which shall accrue on the investment of any part of the surplus which the Banking Board may invest in State, county or municipal bonds shall be paid back by the Banking Board as dividends to the several banks and trust companies in proportion to which they have contributed to said surplus; provided, that the

Banking Board does not think the interest accrued should be retained and added to the available fund; and all of said fund, both available and invested, shall at all times constitute a fund for the payment of depositors as, herein provided, and said fund shall be a trust fund for the benefit of depositors and of banks and trust companies contributing thereto.

Sec. 8. All State banks and trust companies now organized under the laws of this State or that may hereafter be organized under the laws of this State shall and are hereby required to secure their depositors by either complying with the provisions of this act creating the "depositors' security fund" or by filing the bond with the Commissioner of Banking as herein provided, as they may elect so to do. And should any State bank or trust company organized under the laws of this State refuse to comply with the provisions of this act, it shall be the duty of the Commissioner of Banking to revoke or forfeit the charter of the State bank or trust company so refusing to comply with the provisions of this act. All banks and trust companies electing under the provisions of this act to avail themselves of the "depositors' security fund," as defined in this act, or to execute the bond as defined in this act, shall file with the Commissioner of Banking proper evidence of such action prior to January 1, 1910, and shall be entitled to exercise all the rights and privileges granted to such banks on and after said date, and all banks and trust companies thereafter exercising either of said options shall be entitled to exercise such rights and privileges on and after the election and filing thereof.

Sec. 9. Whenever any State bank or trust company subject to the provisions of this act, creating the "depositors' security fund," shall become insolvent or fail, and its affairs shall come into the hands of the Commissioner of Banking or any other officer or person legally authorized to administer its affairs, as provided by law, then said fund shall be used to pay the lawful depositors of said bank who are not otherwise secured and the savings depositors not secured and whose deposits do not bear interest exceeding five per cent per annum, the losses sustained by them by reason of such deposits, but said funds shall not be used to pay United States, State or other public funds which are secured, nor any accumulation of interest upon any deposits or savings deposits nor deposits due to other banks,

bankers or trust companies. But all the funds and assets of such banks or trust companies as avail themselves of the "depositors' security fund" for the payment of depositors which are available or which may be converted into cash within such reasonable time as may be fixed by said Banking Board, shall first be used for that purpose, and then the balance due upon the deposits protected by the "depositors' security fund" shall be paid out of said fund. If the fund on hand shall not be sufficient to pay the claim of such depositors in full, then the said board shall issue evidence of such unpaid balances, under such rules as the board may prescribe, and said balances shall be paid out of said fund whenever the same shall be sufficient for that purpose. Whenever any portion of said fund has been used to pay depositors under this act, then the assets of said bank or trust company availing itself of the "depositors' security fund" for the payment of depositors and which would go to the payment of depositors, which may be left over after the payment in full of its deposit liabilities shall belong to and shall be paid over to said fund to the extent to which said fund may be used.

Sec. 10. The Commissioner of Banking shall issue to all State banks and trust companies electing to comply with the provisions of this act creating the "depositors' security fund" a certificate to that effect, which shall be posted in the office of such bank or trust company. Such banks or trust companies complying with the provisions of this act creating the "depositors' security fund" may print upon its stationery or advertisements words to the effect, "The depositors of this bank are secured in the 'depositors' security fund;" but no bank or trust company or any officer or employee thereof shall print or advertise in this State or out of it or make any other representation to the effect that its depositors are guaranteed by the State; nor shall any bank, trust company or officer or employee make any false representation or statement in regard to such security; and any bank or trust company violating this section shall have its charter revoked or be subject to pay a fine of not less than one thousand dollars nor more than five thousand dollars, for the benefit of said fund upon the suit of the Banking Board; and any such officer or employee violating any of the provisions of this section shall be guilty of a criminal offense and be fined in any

sum not less than one hundred nor more than one thousand dollars, or be punished by imprisonment in the county jail for not more than one year.

Sec. 11. Each and every State bank and trust company heretofore incorporated under the laws of this State or hereafter incorporated under the laws of this State, unless it elects to come under the provisions of the act providing a "depositors' security fund" shall file with the Commissioner of Insurance and Banking a good and sufficient bond, payable to the Commissioner of Banking and his successors in office for and on behalf of the lawful depositors of such banks. Such bond may be executed by individuals, provided that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that each individual surety must be a resident of the State of Texas, and must own unincumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act, and provided further, that in the event if such bond is executed by individual surety each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the commissioners court of such county in which the bank receiving deposits and making such bond is situated and such approval by said commissioners court shall be made a matter of record upon the minutes of said court, and such bond shall be further subject to the approval of the Commissioner of Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such banks shall execute such bond in an amount equal to its capital stock; provided further, that any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Banking equal in amount to the liability of such surety on such bond upon the terms and conditions that in case of default upon such bond, said Commissioner of Banking is authorized to convert such securities so deposited, or such part thereof as may

be necessary, into cash, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor. After the liability of any surety making such deposit shall expire, such securities or any portion thereof, remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash money resulting from the conversion of such securities, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and held to be cumulative of all laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 12. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF

Know all Men by These Presents:

That we,, as principal, and and, as sureties, are firmly bound unto the Commissioner of Banking of the State of Texas, and his successors in office as trustee for the benefit of all lawful depositors of the bank or trust company in the sum of dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden will pay upon demand to the Commissioner of Banking of the State of Texas, as trustee for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors, such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at county, Texas, this day of A. D.

.....
As principal.

.....
As surety.

.....
As surety.

(In case sureties bind themselves for limited amounts, they shall state opposite their signatures "to be bound in

gages or vendors' lien, or good and lawful interest-bearing National, State, county, municipal, school district bonds, or bonds of any political subdivision authorized by law to issue the same, or either of them, which shall be approved by the Commissioner of Insurance and Banking, then the liability of any such bank as principal and its sureties upon any such bond as herein provided for shall be reduced proportionately to the extent of the approved cash value of such real estate mortgages, or liens, or National, State, county, municipal, school district or other bonds, as may be determined by the Commissioner of Insurance and Banking at the time of the accrued liability upon such bonds so executed by such bond security banks for the purpose of securing its depositors.

In the event any person, firm or corporation, or association of persons, executing the bond or guaranty herein provided for as sureties for any such bank shall transfer such portion of his or its property within four months prior to the notice herein provided for in case of the default of the deposits lawfully demanded as that his remaining property over and above all lawful exemptions would be insufficient to meet the requirements of his respective liability upon said bond, and in such event, such transfer of such property shall be void as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preferred lien upon the property so undertaken to be transferred in favor of the Commissioner of Insurance and Banking as trustee for and on behalf of the lawful depositors of any such bond security bank so making default in the payment of its deposits to the extent of any portion of any unpaid legal liability due and owing upon such bond; provided, that the satisfaction of such bond as provided for in this act and the terms of such bond shall satisfy and discharge such preferred lien hereinabove provided for; provided, that if any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Insurance and Banking equal in amount to the liability of such

surety on such bond upon the terms and conditions that in case of default upon such bond, said Commissioner of Insurance and Banking is authorized to convert such securities so deposited, or such part thereof as may be necessary, into cash money, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor; then, and in that event, such preference lien shall not thereafter exist. After the liability of any surety making such deposit shall expire, such securities, or any portion thereof remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Insurance and Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash money resulting from the conversion of such securities, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and held to be cumulative of all other laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 5. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF

Know all Men by These Presents:

That we....., as principal, and..... and....., as sureties, are firmly bound unto the Commissioner of Insurance and Banking of the State of Texas and his successors in office as trustee for the benefit of all lawful depositors of the..... bank or trust company in the sum of..... dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden..... will pay upon demand to the Commissioner of Insurance and Banking of the State of Texas, as trustee for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors, such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at.....

State, and which shall refuse and fail to pay on demand therefor by the Commissioner of Banking, as herein provided for, the full amount of its liability upon such bond, it shall thereupon be the duty of the Commissioner of Banking to thereafter suspend the permit of said corporation to transact business in this State, until it shall be shown to his satisfaction that it has fully discharged its liability upon such bond upon the default thus made.

Sec. 16. In the event such persons, firms, corporations so executing such bond shall make default in the payment of the same lawfully demanded for a period of fifteen days after such demand and the obligations of such bond are not discharged, it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond in the name of the State of Texas for the benefit of all persons who may be beneficiaries of said bond by reason of its terms and conditions; such suit shall be instituted in the district court of the county where the bank or trust company executing such bond had its principal place of business at the time of its failure or in any county immediately adjacent thereto, at the option of the Attorney General. And in any such suit so brought upon any such bond, the Attorney General shall have the right by writ of sequestration as is provided by law, except that no bond or affidavit shall be required of the State of Texas before the issuance thereof, to seize and take possession of the property and effects, except exempt property under the laws of this State, of any such sureties upon such bond of any bank or trust company so failing and defaulting in the payment of its deposits when lawfully demanded as hereinbefore provided for. The proceeds collected by any such suit or action shall be distributed by the Commissioner of Banking to the depositors entitled thereto in the same manner provided in this act with respect to payments voluntarily made by sureties upon such bonds.

Sec. 17. If at any time it appears to the Commissioner of Banking that the bond of any bank or trust company is insufficient, he shall have the authority, and it shall be his duty to require such banks and trust companies to file new and additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act as applicable to banks and trust companies. In the event such

banks and trust companies shall refuse to or fail to comply with such requirements, the Commissioner of Banking shall proceed as is provided for by law in the case of insolvent banks.

Sec. 18. If any cashier, director or other officer or employe of, or any person connected with any bank or trust company as defined in this act, shall knowingly transfer or otherwise dispose of any of its real estate, mortgage, or lien or any of its National, State, county, municipal, school district or other bonds when such bank or trust company is in a failing or insolvent condition, such cashier, director or other officer or employe of or any person connected with such bank or trust company so transferring the same or aiding, assisting or abetting or knowingly assenting to any such transfer, shall be deemed guilty of a felony, for which prosecution may be had in the district court of the county where such bank or trust company is located, and upon conviction shall be imprisoned in the State penitentiary for not less than two nor more than five years.

Sec. 19. Any national bank in this State approved by the Commissioner of Banking, may voluntarily avail its depositors of the protection of the provisions of this act by application to the State Banking Board in writing, and the said application may be granted upon terms and conditions in harmony with the purposes of this act, to be agreed upon by the State Banking Board, the Commissioner of Banking and the Comptroller of Currency of the United States of America; provided that in the event national banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the depositors in the national banks in this State should be secured by virtue of Federal Laws, that the national banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all premiums levied upon and paid by said banks and trust companies, however, should the courts declare this section of this bill unconstitutional or unauthorized by law, or in conflict with any other section or provisions of this act, or with any existing banking laws of this State, then such decision shall affect only this section, such section being independent of the other sections of this act.

Sec. 20. Each and every national bank heretofore incorporated, organized and existing under and by virtue of the

banking laws of the United States of America, shall have the right and privilege at its option, and authority is hereby granted unto each and all such national banks, in so far as the State of Texas may have authority so to do, to come within and under the terms, regulations and stipulations of the provisions of this act for the security of deposits. The words "State banks" when used in this act shall be held to include and apply to all banking corporations heretofore incorporated or which may hereafter be incorporated under the banking laws of this State.

Sec. 21. It shall be the duty of the Commissioner of Banking to issue to each State bank or trust company which the State Banking Board shall have approved and certified to him as provided in this act, as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve, to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business.

The Commissioner of Banking shall close all State banks and trust companies which the State board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided for by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation.

Sec. 22. The Commissioner of Banking shall issue to all banks and trust companies securing their deposits as provided in Sections 11 and 12 of this act, a certificate to that effect which shall be posted on the office of such banks or trust companies. Such banks or trust companies may print upon its stationery and advertisement words to this effect: "The depositors of this bank or trust company are protected by security bonds under the laws of this State." Any bank or trust company or any officer, director, stockholder or other person for any such bank or trust company who shall write, print, publish or advertise in any manner, or by any means, or permit any one for them, or for said bank or trust company to write, print, publish or advertise any statement that the depositors of any such bank or trust company are secured otherwise than is permitted in this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1000, or be punished by im-

prisonment in the county jail for not less than three months nor more than twelve months or by both fine and imprisonment.

Pending the reading of the substitute, on motion of Senator Watson, the same was dispensed with.

Senator Hume moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Senter.
Brachfield.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—9.

Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Stokes.
Harper.	Willacy.
Holsey.	

Absent.

Hudspeth.	Real.
Perkins.	Sturgeon.

Senator Harper offered the following substitute for the amendment:

Pending the reading of the substitute, on motion of Senator Watson, the same was dispensed with.

Amend the bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every bank of deposit or discount or banking and trust company hereafter incorporated under the laws of this State shall be and is hereby required to secure the payment of funds deposited with any such bank or trust company, by giving a bond as hereinafter provided or by availing its depositors of the protection of the State bank guaranty fund, to be created in the manner hereinafter set forth; all banks or banking and trust companies taking advantage of this act by securing their depositors by bond as hereinafter provided shall be denominated herein as bond security banks; all banks or banking and trust companies availing their depositors of the protection of the State bank guaranty fund as hereinafter provided, shall be denominated herein as guaranty fund banks; and whenever in this act the words bond security banks

are used and applied the same shall be deemed and held to apply to all such banks, banking and trust companies as may secure their deposits by the bond system hereinafter provided for; whenever the words guaranty fund banks are used or applied in this act the same shall be deemed and held to apply to each and every such bank or banking and trust company availing its depositors of the protection of the State bank guaranty fund.

Sec. 2. Each and every bank of deposit or discount or banking and trust company heretofore organized and incorporated under and by virtue of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas and known as the State banking law, shall be required to secure its deposits by the manner, methods and under the terms, provisions and regulations as set forth in this act for bond security banks or guaranty fund banks; provided, that any such banks or banking and trust companies so securing their depositors shall have the privilege and option of accepting and coming in under the terms and provisions of this act as the same applies to bond security banks or guaranty fund banks; such option and privilege to be exercised in the manner as hereinafter provided. Nothing in this act shall be construed as making it compulsory for any such bank or banking and trust company heretofore incorporated to accept either the bond security system or the guaranty fund system, but the adoption of either such system as to them shall be voluntary.

Sec. 3. Each and every National bank heretofore incorporated, organized and existing under and by virtue of the banking laws of the United States of America shall have the right and privilege at its option, and authority is hereby granted unto each and all such National banks, in so far as the State of Texas may have authority so to do, to come within and under the terms, regulations and stipulations of the provisions of this act for the security of deposits by either the bond security system or the guaranty fund bank system, as hereinafter set forth. The words "State banks" when used in this act shall be held to include and apply to all banking corporations heretofore incorporated or which may hereafter be incorporated under the banking laws of this State.

Sec. 4. Each and every State bank hereafter incorporated, which shall elect to come under the provisions of this act

as a bond security bank, shall file annually with the Commissioner of Insurance and Banking a good and sufficient bond, payable to the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such banks. Such bond may be executed by individuals; provided, that in any event not less than three such individuals of sound financial responsibility shall execute the same; provided, also, that such individual sureties must be residents of the State of Texas, and must own unincumbered property situated within the State over and above all lawful exemptions, sufficient to insure their solvency upon such bond in accordance with the provisions of this act; and provided further, that in the event such bond is executed by individual surety each of said sureties shall have the right to designate the specific amount for which he shall be held liable on such bond; provided further, that in any event such bond shall be approved by the commissioners court of such county in which the bank receiving deposits and making such bond is situated, and such approval by said commissioners court shall be made a matter of record upon the minutes of said court, and such bond shall be further subject to the approval of the Commissioner of Insurance and Banking, and by him filed in his office and recorded in a book to be kept for that purpose; such bond shall be executed in respective amounts according to the respective amounts of its capital stock, as follows, to-wit:

All such bond security banks having a capital stock of fifty thousand dollars (\$50,000) and less, shall execute such bond in an amount equal to double the amount of its capital stock. All such banks having a capital stock in excess of fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to one and one-half times the amount of its capital stock. All such bond security banks having a capital stock in excess of one hundred thousand dollars (\$100,000) shall execute such bond in an amount equal to the amount of its capital stock. It is further provided herein that any such banks mentioned in this section whose capital stock shall be in excess of one hundred thousand dollars (\$100,000) and which, at the time of its defalcation of the payments of its deposits as hereinafter provided, shall have in its possession and ownership good and sufficient exclusive real estate first mort-

gages or vendors' lien, or good and lawful interest-bearing National, State, county, municipal, school district bonds, or bonds of any political subdivision authorized by law to issue the same, or either of them, which shall be approved by the Commissioner of Insurance and Banking, then the liability of any such bank as principal and its sureties upon any such bond as herein provided for shall be reduced proportionately to the extent of the approved cash value of such real estate mortgages, or liens, or National, State, county, municipal, school district or other bonds, as may be determined by the Commissioner of Insurance and Banking at the time of the accrued liability upon such bonds so executed by such bond security banks for the purpose of securing its depositors.

In the event any person, firm or corporation, or association of persons, executing the bond or guaranty herein provided for as sureties for any such bank shall transfer such portion of his or its property within four months prior to the notice herein provided for in case of the default of the deposits lawfully demanded as that his remaining property over and above all lawful exemptions would be insufficient to meet the requirements of his respective liability upon said bond, and in such event, such transfer of such property shall be void as to any unpaid balance due and payable under said bond or guaranty, and there shall be and is hereby created a preferred lien upon the property so undertaken to be transferred in favor of the Commissioner of Insurance and Banking as trustee for and on behalf of the lawful depositors of any such bond security bank so making default in the payment of its deposits to the extent of any portion of any unpaid legal liability due and owing upon such bond; provided, that the satisfaction of such bond as provided for in this act and the terms of such bond shall satisfy and discharge such preferred lien hereinabove provided for; provided, that if any surety upon any such bond provided for in this act, who may desire to do so, shall deposit with the State Treasurer unincumbered exclusive real estate mortgage or other liens, or National, State, county, municipal, school district bonds or bonds of any political subdivision authorized by law to issue the same, or either of them, having an actual cash market value, subject to the approval of the Commissioner of Insurance and Banking equal in amount to the liability of such

surety on such bond upon the terms and conditions that in case of default upon such bond, said Commissioner of Insurance and Banking is authorized to convert such securities so deposited, or such part thereof as may be necessary, into cash money, which shall be by him applied in satisfaction of the liability of such surety upon such bond without any legal process therefor; then, and in that event, such preference lien shall not thereafter exist. After the liability of any surety making such deposit shall expire, such securities, or any portion thereof remaining on deposit with the State Treasurer shall be returned to such surety upon the certificate of the Commissioner of Insurance and Banking that such liability has so expired, and it shall be the duty of such Commissioner to account to such surety for any unused portion of the cash money resulting from the conversion of such securities, or any portion thereof, into cash as above provided. The bond provided for in this act shall be deemed and held to be cumulative of all other laws and constitutional provisions fixing the liability of stockholders for the obligations and indebtedness of any such bank.

Sec. 5. The bond provided for in the preceding section of this act shall be in form and substance as follows:

STATE OF TEXAS,

COUNTY OF

Know all Men by These Presents:

That we,....., as principal, and..... and....., as sureties, are firmly bound unto the Commissioner of Insurance and Banking of the State of Texas and his successors in office as trustee for the benefit of all lawful depositors of the..... bank or trust company in the sum of..... dollars, payable as provided for by the laws of Texas at the time of the execution thereof, conditioned that the above bounden..... will pay upon demand to the Commissioner of Insurance and Banking of the State of Texas, as trustee for all lawful depositors in said bank, the full amount of money due them and each of them at the time of the default or failure to pay any moneys due such depositors, such default or failure occurring during the period of one year from the date this bond is approved and becomes effective.

Witness our hands at.....

County, Texas, this.....day of.....
A. D.....
as principal.
as surety.
as surety.

(In case sureties bind themselves for limited amounts they shall state opposite their signatures "to be bound as provided by law for..... dollars, and no more.")

It is further provided in this section that upon the payment of any sum made obligatory by reason of the terms of this act, any surety herein making or participating in such payments shall thereby be subrogated to the rights of a depositor, and shall be entitled to assert such right in accordance with the laws of this State, secondary and subject to the rights of the depositors for whose benefits such payments are made.

Sec. 6. The Commissioner of Insurance and Banking shall be entitled to charge a fee not to exceed twenty dollars (\$20) to be paid by the bank executing the bond as herein above provided for the examination of any such bond provided for in Sections 4 and 5 of this act; provided, that in case he shall approve and file same, no additional amount shall be charged for such approval and filing. Out of the proceeds of the fee the Commissioner shall defray the expenses of investigating the solvency of the sureties upon such bond if any such expenses are incurred, and the remainder thereof shall be paid into the general revenue fund of this State.

Sec. 7. The security provided for by this act to be executed by bond security banks for the benefits of its depositors may consist of more than one bond; provided, that the total amount of liability upon such bond or bonds so filed shall be equal to the amount provided for in this act. In case of default the sureties under such bonds where more than one has been filed, shall be required to contribute pro rata to make good such default; provided, that the amount which shall not be collectible from any such surety by reason of his insolvency, shall be contributed pro rata by all other sureties.

Sec. 8. In the event of the default by any such bond security bank, transacting business or receiving deposits, in the payment of any deposit lawfully due, it shall be the duty of the Commissioner of Insurance and Banking when such default shall be made known to him to report the same forthwith to the Attorney General of the State of Texas, and to give notice to every and all persons who may be obligated by

reason of such default, and the conditions of the bond herein provided for and upon the mailing of such notice the full amount of the said bond shall at once become due and payable. And it shall further be the duty of the makers and signers of such bond to pay immediately the full amount of the same according as he may be obligated to the Commissioner of Insurance and Banking or such part thereof as he may demand to be held by him in trust for the depositors of any such bond security bank executing such bond, and in case any such bond security bank shall have on hand as part of its assets, any real estate mortgages or vendors' liens, or any National, State, county, municipal, school district, or other bonds, the Commissioner of Insurance and Banking shall be authorized to take possession of the same and to value them in accordance with the provisions of this act; provided, that such valuation shall not be less than the actual cash market value thereof, and said Commissioner of Insurance and Banking shall be and is hereby authorized to convert such real estate mortgages and vendors' liens and other forms of security as herein provided for into actual cash money, to be credited by him upon the liability of the bond hereinbefore provided for in the manner and upon the terms as provided for by this act. All proceeds thus arising herewith from voluntary payment or otherwise, shall be by the Commissioner of Insurance and Banking or his special agents promptly paid in full or pro rata to all unpaid lawful depositors, upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed in his office and a record thereof made by him in a book to be kept for that purpose before payment of any such depositor shall be made and approved by him, and a full report of all such claims and payments signed by said Commissioner of Insurance and Banking under oath shall be filed in the office of the county clerk of the county in which such bank is located. In the event any maker or signer as surety of such bond or policy of insurance and other guaranty of indemnity shall be a corporation, incorporated under the laws of Texas, and it shall refuse and fail to pay upon demand therefor as hereinbefore provided for the full amount due by it upon such bond, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General of the State of Texas, upon receiving notice from the Commissioner of

Insurance and Banking, to bring suit in the district court of any county in this State which he may elect, to forfeit such charter, and upon hearing thereof decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond shall be a corporation, incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and which shall refuse and fail to pay on demand therefor by the Commissioner of Insurance and Banking, as herein provided for, the full amount of its liability upon any such bond, it shall thereupon be the duty of the Commissioner of Insurance and Banking to thereafter suspend the permit of said corporation to transact business in this State, until it shall be shown to his satisfaction that it has fully discharged its liability upon such bond upon the default thus made.

Sec. 9. In the event such persons, firm, corporation, so executing such bank security bond shall make default in the payment of the same lawfully demanded for a period of fifteen days after such demand and the obligation or such bond is not discharged, it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond in the name of the State of Texas for the benefit of all persons who may be beneficiaries of said bond by reason of its terms and conditions; such suit shall be instituted in the district court of the county where the bond security bank had its principal place of business at the time of its failure, or in any county immediately adjacent thereto, at the option of the Attorney General. And in any such suit so brought upon any such bond, the Attorney General shall have the right by writ of sequestration, as is provided by law, except that no bond or affidavit shall be required of the State of Texas before the issuance thereof, to seize and take possession of the property and effects of any such sureties upon such bond of any bond security bank so failing and defaulting in the payment of its deposits when lawfully demanded as hereinbefore provided for. The proceeds collected by any such suit or action shall be distributed by the Commissioner of Insurance and Banking to the depositors entitled thereto in the same manner provided in this act with respect to payments voluntarily made by sureties upon such bonds.

Sec. 10. If at any time it appears to the Commissioner of Insurance and Banking that the bond of any bond security bank, which has elected to come under the provisions of this act, is insufficient, he shall have the authority and it shall be his duty to require such bond security banks to file new and additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act as applicable to bond security banks. In the event such bond security banks shall refuse to or fail to comply with such requirements the Commissioner of Insurance and Banking shall proceed as is provided for by this act in the case of insolvent banks.

Sec. 11. If any cashier, director or other officer or employe of or any person connected with any bond security bank as defined in this act, shall knowingly transfer or otherwise dispose of any of its real estate mortgages or liens, or any of its National, State, county, municipal, school district or other bonds, when such bank is in a failing or insolvent condition, such cashier, director or other officer or employe of or any person connected with such bond security bank so transferring the same or aiding, assisting or abetting, or knowingly assenting to any such transfer, shall be deemed guilty of a felony, for which prosecution may be had in the district court of the county where such bond security bank is located, and upon conviction shall be imprisoned in the State penitentiary for not less than two nor more than five years.

Sec. 12. Any State bank incorporated prior to the taking effect of this act may avail its depositors of the protection provided by this act relating to bond security banks or of the provisions of this act relating to guaranty fund banks at its option in the following manner: The board of directors of any State bank may and are required upon the written request of the owners of a majority portion of the capital stock to call a meeting of the stockholders to be held at the office of such State bank, of which each stockholder shall be given not less than ten days' notice by registered mail, for the purpose of determining whether or not such State bank shall avail its depositors of the protection afforded by the provisions of this act relating to either of such systems, and if at such stockholders' meeting the holders of a majority of the capital stock or their duly authorized proxies, shall vote to so avail their depositors of the protection afforded by the pro-

visions of this act relating to bond security banks or those relating to guaranty fund banks, in either event such vote shall be entered upon the minutes of the corporation and a duly certified copy thereof, attested by the president and cashier shall be immediately forwarded to the Commissioner of Insurance and Banking, who shall file the same in his office and shall record the same in a book to be kept for that purpose, and thereafter as hereinafter provided such State bank shall be in all respects subject to and governed by all the provisions of this act applicable to guaranty fund banks or to all the provisions of this act applicable to bond security banks, as the case may be. The corporators of all State banks hereafter incorporated shall be required to file with their articles of incorporation a statement signed by them, availing their depositors of the protection afforded either by the provisions of this act relating to bond security banks, or of those relating to guaranty fund banks, and all such State banks hereafter incorporated shall be governed by the provisions of this act so accepted in such statement.

All State banks electing under the provisions of this act to become bond security banks as defined in this act or guaranty fund banks as defined in this act, in the manner provided for, which shall exercise the right of such election prior to October 1, 1909, shall file with the Commissioner of Insurance and Banking proper evidence of such action prior to October 1, 1909, and shall be entitled to exercise all the rights and privileges granted to such banks on and after said date, and all State banks thereafter exercising either of said options shall be entitled to exercise such rights and privileges on and after the beginning of the first quarter of a calendar year, after they shall file proper evidence of such action.

Sec. 13. Any national bank in this State, approved by the Commissioner of Insurance and Banking, may voluntarily avail its depositors of the protection of the provisions of this act relating to bond security banks or of those relating to guaranty fund banks, by application to the State Banking Board, in writing, and the said application may be granted upon terms and conditions in harmony with the purposes of this act, to be agreed upon by the State Banking Board, the Commissioner of Insurance and Banking and the Comptroller of Currency of the United States of America; provided, that in the event nation-

al banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the deposits in national banks in this State should be guaranteed by virtue of Federal laws, that the national banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks; however, should the courts declare this section of this bill unconstitutional or unauthorized by law, or in conflict with any other section or provision of this act, or with any existing banking laws of this State, then such decision shall effect this section, such section being independent of the other sections of this act.

Sec. 14. It shall be the duty of the Commissioner of Insurance and Banking to issue to each State bank which the State Banking Board shall have approved and certified to him as provided in this act as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business. Such certificate of authority when issued to guaranty fund banks shall contain the following statement on the face thereof in bold type: "The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund." And when issued to bond security banks shall contain the following statement on the face thereof in bold type: "All the deposits of this bank are protected by security bond under the laws of the State of Texas." And when issued to the State banks other than guaranty fund banks and bond security banks, it shall contain neither of these, nor any similar statement. The Commissioner of Insurance and Banking shall close all State banks which the State Banking Board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation.

Sec. 15. All guaranty fund banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish, either by forms of advertising which they may adopt, or upon their stationery, the following words:

"The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund." All bond security banks provided for in this act are hereby authorized and empowered if they desire to do so, to publish either by forms of advertising which they may adopt, or upon their stationery, the following words: "All the deposits of this bank are protected by security bonds under the laws of this State." Any guaranty fund bank or bond security bank or any officer, director, stockholder, or other person for any such bank, who shall write, print, publish or advertise in any manner or by any means or permit any one for them or for said bank to write, print, publish or advertise any statement that the deposits of any such bank are secured otherwise than as permitted in this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100, nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment. Any person who shall write, print, publish or advertise the above statement authorized to be used by bond security banks or guaranty fund banks other than for and on behalf of such banks shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment.

Sec. 16. On and after the first day of January, 1910, all guaranty fund banks shall be liable pro rata, in the manner and proportion and to the extent hereinafter provided for the payment of all the liabilities of each such guaranty fund bank to its guaranteed depositors as hereinafter defined.

All the liabilities of guaranty fund banks other than liabilities to stockholders on account of stock owned by them, except debts due by such banks for which they have given collateral or other security, and debts due depositors, or other persons, upon which such guaranty fund banks or any person for them or on their behalf have directly or indirectly paid or agreed to pay, or have become liable in law to pay, any interest, bonus, commission or other compensation, whatever shall be considered and defined and hereinafter referred to as their "guaranteed deposits" and the persons to whom such liabilities are or may become due and payable, shall be considered and defined and hereinafter

referred to as their "guaranteed depositors."

Sec. 17. For the purpose of carrying out and enforcing the provisions of this act, there is hereby created the State Banking Board, which shall be composed of the Commissioner of Insurance and Banking, who is hereafter referred to in this act as the Commissioner, the Attorney General and a citizen of this State, who shall be appointed by the Governor of this State, and who, prior to his appointment, shall have had five years' experience as an active officer of a bank and who shall receive as his compensation as a member of the State Banking Board the sum of \$10 per day for each day while engaged in active discharge of his duties as a member of said board. Immediately after this act shall take effect, said board shall cause to be made by the State bank examiners, who are hereby placed under the direction and control of said board for that purpose, a full and careful examination of the affairs of each and every State bank doing business in this State, for the purpose of ascertaining its financial condition, the character, amount and values of its assets, the extent of its liabilities, the financial responsibility of its stockholders, the general reputation as to competency and business qualifications of its officers and directors, and such other facts as said board may deem advisable and may direct; and said board shall require a full and detailed report of such examination of each such corporation, to be made by the State Bank Examiner making such examination, under his oath of office, such report to be filed with said board not later than the first day of December, 1909. It shall be the duty of the State Banking Board, from time to time after this act shall take effect, and prior to January 1, 1910, as the reports of examinations provided for in this section shall be filed with it, to consider and pass upon such reports, and to determine therefrom, and from such additional facts as may be submitted for its consideration, or as it may ascertain from other investigation, whether such State bank is solvent and its capital stock unimpaired, and whether its officers and directors are of good general reputation as being competent to properly discharge the duties incumbent upon them as such officers or directors and whether it is entitled under the laws of this State to continue to transact a banking business, provided that any ruling or decision of said State Banking Board shall be subject to review by any

district court having jurisdiction of the persons composing said board upon the suit of any party affected thereby brought within twenty days after the date of such ruling or decision. Said board shall keep a record of its proceedings and findings relative to each bank considered and passed upon, and shall file a certified copy thereof, signed by each member of said board, in the office of the Commissioner, which shall be by him duly recorded in a book to be kept for that purpose.

Sec. 18. Section 2 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Section 2. The articles of association shall set out:

"(1). The corporate name of the proposed corporation, which shall not be the name of any corporation heretofore incorporated in this State for similar purposes, or any imitation of such name, and which shall include as part thereof, either the word 'bank' or 'banking.'

"(2). The name of the city or town and county in which the corporation is to be located.

"(3). The amount of the capital stock of the corporation, which shall be divided into shares of \$100 each; that the same has been bona fide subscribed and actually paid up in lawful money of the United States, and is in the custody of the persons named as the first board of directors or managers.

"(4). The name and place of residence of the several shareholders, and the number of shares subscribed by each.

"(5). The number of directors or managers, and the names of those agreed upon for the first year.

"(6). The number of years the corporation is to continue, which in no case shall exceed fifty years."

Such articles shall be signed and acknowledged by the parties thereto, shall be filed in the office of the Commissioner of Insurance and Banking, and when so filed shall be immediately submitted to the Attorney General for his approval, and if found by him to be in accordance with law, he shall so certify and return the same to the Commissioner of Insurance and Banking, who shall record the same in a book to be kept for that purpose, and shall make a certified copy thereof, under his hand and seal, and shall immediately deliver such certified copy to a State bank examiner, by whom he shall cause to be made an examination for the purpose of ascertaining whether the requisite

capital stock of such corporation has been fully paid up as required by the Constitution and laws of this State. No certificate of incorporation under this act shall be valid unless at the time the articles of association were signed and acknowledged, the capital stock therein prescribed shall have been bona fide subscribed and paid up in lawful money of the United States. If, upon such examination, it shall be found that the Constitution and laws have been fully complied with, the person making such examination shall deliver to the president or cashier of said corporation the certified copy of its articles of incorporation, and shall take therefor the receipt of such corporation, and of the person to whom the same shall be delivered. Upon the deliverance of such certified copy and the execution of the receipt therefor and upon the filing for record of such certified copy in the office of the county clerk of the county in which the corporation is to be located, the same shall become valid and effective as to the charter of said corporation, which shall thereupon be allowed to open its doors and engage in business as a State bank. It shall be the duty of the examiner to immediately make a report of such examination under his oath of office to the State Banking Board, whose duties it shall be to forthwith consider and act upon the same and to determine therefrom and from such additional facts as may be submitted for its consideration, or as it may ascertain from other investigation, whether such corporation is solvent and its capital stock unimpaired, and whether its officers and directors are of good general reputation as being competent to properly discharge the duties incumbent upon them as such officers or directors, and whether it is entitled under the laws of this State to transact a banking business.

If the State Banking Board shall have approved the chartering of such bank, upon receipt of its certificate, the Commissioner shall issue to such corporation the certificate of authority above provided for. In case the State Banking Board shall disapprove the report of the examiner, and refuse to certify that such corporation is entitled to a certificate of authority, it shall be the duty of the Commissioner to immediately close the office of such corporation, unless it shall go into voluntary liquidation, and to proceed in the manner provided by law with respect to insolvent banks. All amendments to the charters of all banking corporations

heretofore or hereafter formed shall be filed in the office of the Commissioner of Insurance and Banking and approved by the Attorney General and recorded by said Commissioner, when so approved, in the same manner as original charters.

Sec. 19. Section 10 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as to hereafter read as follows:

"Section 10. The articles of agreement shall be signed and acknowledged by the parties thereto and recorded in the office of the Commissioner of Insurance and Banking, who shall submit the same to the Attorney General for his approval, and if found by him to be in accordance with the law, he shall so certify and return the same to said Commissioner, who shall record the same in a book to be kept for that purpose and make a certified copy thereof under his hand and seal, and thereafter the same steps shall be taken, and the same course pursued as provided by law with respect to the incorporation of banks of deposit or discount, or both of deposits and discounts."

Sec. 20. Section 5 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas, is hereby amended, so as to hereafter read as follows:

"Section 5. That hereafter the capital stock of all banking corporations, which shall be fully paid up, shall not be less than \$10,000, if the business is to be transacted in towns or cities having less than 750 inhabitants, nor less than \$25,000 if the business is to be transacted in towns or cities having 750 or more and less than 3000 inhabitants, nor less than \$50,000 if the business is to be transacted in towns or cities having 3000 or more and less than 6000 inhabitants; nor less than \$100,000 if the business is to be transacted in towns or cities having 6000 inhabitants or more. Provided, that a banking corporation may be formed with a capital, with not less than \$50,000, having power to transact business in any city or town having 6000 inhabitants or more, at a point designated in its charter, not less than one mile removed from the place of business, at the time such corporation is formed, of any banking corporation organized under the laws of Texas, or of those of the United States. The population of all towns and cities for the purpose of fixing the minimum capital stock of banks under this act shall be ascertained by the Commissioner of

Insurance and Banking, from such affidavits as may be submitted to him or such proof as he may obtain upon investigation."

Sec. 21. All State banks transacting business in this State shall be required on and after the first day of January, 1910, to hold a certificate of authority to transact a banking business, issued by the Commissioner, in compliance with the provisions of this act, and to keep the same conspicuously posted at all times in the banking house where such business is transacted. Any person, or persons, who shall in any capacity, transact or hold themselves out as transacting business of banking for or on behalf of any State bank or banking or trust company, after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense, each day being considered a separate offense, by a fine of not less than \$100 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 22. No State bank shall be entitled to transact the banking business unless its officers and directors are men of good general reputation in the community in which they may reside, as being competent to properly discharge the duties incumbent or to be incumbent upon them as such officers or directors.

Sec. 23. The Commissioner shall, during the month of November, 1909, and of each calendar year thereafter, require the cashier of each State bank which has been so organized and doing business for one year prior to November 1 of each calendar year, to file with him a sworn statement of the average daily deposits of such bank for said year ending November 1; and he shall require the cashiers of all other State banks to each file with him, during said month of November, a sworn statement of the total amount of the capital, surplus and undivided profits of their respective banks, as of said first day of November.

Sec. 24. Immediately after the first day of November, 1909, the State Banking Board, shall for the purpose of creating a State bank guaranty fund,

levy against each guaranty fund bank, which it shall have approved as being entitled to transact the banking business, an assessment of 1 per cent of its average daily deposits for the year ending on the first day of November, 1909, if it shall have transacted business for one year prior to said date, or an assessment of 3 per cent of its total capital, surplus and undivided profits, as of the first day of November, 1909, if it shall not have transacted business for one year prior to that date; provided, that if said assessment shall not, in the aggregate, provide a fund of at least three hundred thousand (\$300,000) dollars, then the same shall be proportionately increased to such percentage of the average daily deposits and of the capital, surplus and undivided profits, respectively, as will provide a fund of that amount, immediately after the first day of December of each year, after 1909, the State Banking Board shall relevy and readjust the assessment above provided for in the same manner except that they shall each succeeding year increase the percentage of the assessment upon the average daily deposits of the banks to which such assessment is applicable by one-fourth of 1 per cent, and they shall increase the percentage of assessment upon the capital, surplus and undivided profits of banks to which such assessment is applicable by three-fourths of 1 per cent, until such time as the total amount of said State bank guaranty fund shall equal 5 per cent of the average daily deposits of all of the guaranty fund banks, which have been in business for as much as one year, added to 15 per cent of the capital, surplus and undivided profits of all other guaranty fund banks. Each guaranty fund bank shall pay such assessments by crediting the State bank guaranty fund with the amount thereof upon its books, as of date January 1, next, after the said assessment is made, as a demand deposit, subject to check, upon the order of the State Banking Board, and shall, prior to said date, forward to the Commissioner proper evidence of such credit and each guaranty fund bank shall charge the amount of each such assessment as credited to the State bank guaranty fund upon its books to "interest in State bank guaranty fund," and shall be entitled to treat in its statements of condition and otherwise the amount of its said interest in said fund, as shown by its books, as a portion of its assets; provided, that the amount of its said interest in said fund shall not include any of the amounts paid out upon gen-

eral checks drawn by the order of the State Banking Board. The relevy and readjustment of the assessment herein provided for shall be made on such basis as will provide a State bank guaranty fund, as of January 1, of each succeeding year, equal to the percentages herein prescribed of the average annual deposits and capital, surplus and undivided profits, respectively, for each succeeding year, until the maximum percentage herein prescribed shall be attained and thereafter such relevy and readjustment shall be made each year upon such a basis as will provide a fund upon January 1, of each year amounting to 5 per cent of the annual deposits and 15 per cent of the capital, surplus and undivided profits, as hereinbefore provided for.

If, in the making of such relevy and readjustment, it becomes necessary to reduce the amount of the assessment of any guaranty fund bank, said board shall order a check to be signed by the Commissioner, and countersigned by some other member of said board, designated for that purpose, drawn upon said guaranty fund bank in favor of itself, dated January 1, next thereafter, for the amount of such reduction, which the Commissioner shall forthwith transmit to such bank, and if it shall be necessary to increase the assessment of any guaranty fund bank, it shall direct the Commissioner to notify such bank of the amount of such increase, and require that it credit the State bank guaranty fund with the amount of such increase, as of date the first day of January, next thereafter, and send to the Commissioner proper evidence of such credit, prior to said date. Any State bank which shall become a guaranty fund bank, in accordance with the provisions of this act at any time after the first day of January, 1910, shall, before it shall be issued a certificate of authority to transact a banking business as a guaranty fund bank, shall credit the State bank guaranty fund, as herein before provided, with an amount equal to 1 per cent of its average daily deposits for the year ending November 1, preceding, if it shall have transacted business for that period, or 3 per cent of its capital, surplus and undivided profits, if it shall not have transacted business for such period or 3 per cent of its capital stock and paid in surplus, if any, if a newly incorporated bank, and furnish the Commissioner with proper evidence of such credit. Whenever the amount deposited to the credit of the State bank guaranty fund on the books

of the various guaranty fund banks, shall at any time be reduced by the payment of checks drawn upon them by order of the State Banking Board, for the purpose of paying the guaranteed deposits of any guaranty fund bank as hereinafter provided for, below the amount of such credit as of the 15th day of January next preceding, it shall be the duty of the State Banking Board to immediately levy an assessment based upon the average daily deposits, and upon the capital, surplus and undivided profits, as shown by the sworn statements filed in the preceding November, as herein provided, sufficient to make good such reduction; provided, that the total assessments made for the purpose of making good such reduction shall not exceed 2 per cent of such average daily deposits for any one calendar year, exclusive of the one-fourth of 1 per cent required to be placed to the credit of the bank guaranty fund each year as heretofore stated, and the guaranty fund banks shall immediately furnish the Commissioner proper evidence of such additional credit; but this provision shall not apply to special checks drawn only on certain banks by order of said board as hereinbefore provided.

It shall be the duty of the Commissioner to keep a strict account with each guaranty fund bank, subject to the provisions of this act, in which any portion of the State bank guaranty fund is deposited, in a book to be kept for that purpose, showing all amounts credited to said fund, in each bank, and all checks drawn against the same, and it shall be his duty to immediately notify any such bank of any discrepancy between the status of its account as shown upon his books and any statement made by such bank, or any report of its examination, and he shall also call such discrepancy to the attention of the State Banking Board.

Whenever any guaranty fund bank shall pay off and discharge all its liabilities to its creditors and go into liquidation, for the purpose of voluntarily winding up its affairs and surrender to the Commissioner its certificate of authority, it shall be the duty of the State Banking Board, upon a showing of these facts, to order the Commissioner to draw a check upon such bank, in its favor for the amount of the State bank guaranty fund on deposit therewith, which shall be thereon repaid to it upon such liquidation; provided, nothing in this act shall be construed so as to guarantee interest-bearing deposits in such bank.

It shall be the duty of the State

Banking Board, within ten days after January 1, 1910, to order the Commissioner of Insurance and Banking to draw checks to be countersigned by some other member of said board, designated for that purpose, upon all guaranty fund banks, for 25 per cent of the amount of the State bank guaranty fund held by on deposit each of them or pro rata for the sum of \$100,000, whichever is the greater, and to deposit the proceeds thereof in cash with the State Treasurer of this State, to be held by him for the purposes of this act, and to be paid out by him upon warrants drawn by the Commissioner of Insurance and Banking, upon the order of the State Banking Board, such warrants to be countersigned by some other member of said board, designated for that purpose, as hereinafter provided. Within ten days after the first day of January of each year, after 1910, the State Banking Board shall readjust the proportion of the State bank guaranty fund to be kept in cash on deposit with the State Treasurer, in accordance with the provisions of this section, so that the same shall equal 25 per cent of the amount of the State bank guaranty fund, as of January 1, preceding, or the sum of \$100,000, whichever is the greater. In making such readjustment, it shall return to any guaranty fund bank the amount of such cash theretofore contributed by it and then on deposit, in excess of its pro rata part, or shall draw checks upon any guaranty fund bank necessary to make up its pro rata part as the case may be. The provisions of this section shall apply only to guaranty fund banks, as defined in this act, or to those becoming guaranty fund banks, in accordance with its provisions.

Sec. 25. Whenever the Commissioner shall have reason to believe that the capital stock of any State bank is reduced by impairment or otherwise below the amount required by law or by its certificates of authority or articles of incorporation, he shall present the matter to the State Banking Board for its consideration, and if said board shall determine thereupon that the capital stock of such State bank is impaired to the extent of not more than 25 per cent thereof, the Commissioner shall require such State bank to make good the deficiency within sixty days after the date of such requisition. If said board shall determine that the impairment exceeds 25 per cent of the amount of the capital stock, the Commissioner shall require that such State bank forthwith reduce the amount of such impairment to less

than 25 per cent and to make good the whole impairment within sixty days from the date of such requisition. The Commissioner may examine or cause to be examined any such State bank to ascertain the amount of such impairment and whether the deficiency has been made good, as required by him. The directors of every such State bank upon which such requisition shall have been made shall give notice of such requisition to each stockholder of the corporation and of the amount of the assessment which he must pay for the purpose of making good such deficiency by a written or printed notice mailed to such stockholder at his place of residence or served personally upon him, and a meeting of the stockholders of such bank shall forthwith be called for the purpose of determining whether or not such bank shall make good such deficiency or impairment or liquidate; and if it be decided to make good such deficiency or impairment, each stockholder shall thereupon become liable for, and shall pay his pro rata part of said assessment, and if any stockholder shall refuse or neglect to pay the assessment specified in such notice within the time provided by the requisition of the Commissioner, the directors shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving previous notice of such sale for two weeks in a newspaper of general circulation published in the county where the principal office of such corporation is located; or such stock may be sold at private sale and without such published notice; provided, however, that before making private sale thereof an offer in writing to purchase such stock shall be obtained and a copy thereof served upon the owner of record of the stock caused to be sold either personally or by mailing a copy of such offer to such owner at his place of residence or address furnished by him to such State bank; and if after service of such offer such owner shall still refuse or neglect to pay such assessment within two weeks from the time of service of such offer, the said directors may accept such offer and sell such stock to the person or persons making such offer, or to any other person or persons making larger offer than the amount named in the offer submitted to such stockholder; but such stock shall in no event be sold for a smaller sum than the valuation put on it by the Commissioner in his determination and certificate, which valuation shall not be less than the amount of the assessment called for and the necessary costs of sale.

Out of the avails of the stock sold the directors shall pay the necessary cost of sale and the amount of the assessment called for thereon. The balance, if any, shall be paid to the person or persons whose stock has been thus sold. The sale of stock as herein provided shall effect the cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void, and a new certificate or new certificates shall be issued to the purchaser or purchasers of said stock. If it shall appear to the Commissioner that any State bank has violated its charter or any law binding upon it, he may, by an order under his hand and official seal, addressed to such State bank direct the discontinuance of such violation; or, if it shall appear to the Commissioner that any such State bank is conducting its business in an unsafe or unauthorized manner he may in like manner direct discontinuance of such unsafe or unauthorized practice. Such order shall require such State bank to show cause before the State Banking Board at a time and place to be fixed by the Commissioner why said order should not be observed.

Sec. 26. If the capital stock of any State bank shall be impaired and such impairment is not made good as required by law, or if any such State bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of such State bank, or if it shall violate its charter, or any law of the State, or if such State bank shall suspend payment of its obligations, or if such State bank shall conduct its business in an unsafe or unauthorized manner, or if from any examiner's or other report provided for by law the Commissioner shall conclude that such State bank is in an unsafe or unsound condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, and the Commissioner shall communicate the facts to the Attorney General, an action to procure a judgment dissolving such corporation and forfeiting its charter may be maintained.

Sec. 27. Whenever it shall appear to the Commissioner that any State bank has violated its charter or any law of the State, or is conducting its business in an unsafe or unauthorized manner, or if any such State bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be ex-

amined upon oath touching the concern of any such State bank, or to answer upon oath any interrogatories touching such concern, sent him by the Commissioner through the mails with the request for such answer, within ten days after the same shall have been mailed to him at his address by registered letter, or if any such State bank shall suspend payment of its obligations, or if from any examination or report provided for or authorized by law the Commissioner shall have reason to conclude that such State bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe or inexpedient for it to continue business, or if any such State bank shall neglect or refuse to observe an order or requisition of the Commissioner to reduce or make good the impairment in its capital stock, as required by law, the Commissioner may forthwith take possession of the property and business of such State bank and retain such possession until such State bank shall resume business, or its affairs are finally liquidated, as herein provided. On taking possession of the property and business of any such State bank, the Commissioner shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals holding or in possession of any assets of any such State bank.

No bank, trust company, association or individual knowing of such taking possession by the Commissioner, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred against any of the assets of the State bank of whose property and business the Commissioner shall have taken possession as aforesaid. Such State bank may, with the consent of the State Banking Board, resume business upon such condition as may be approved by it, which permission shall be evidenced by a written statement to that effect from the Commissioner. Upon taking possession of the property and business of such State bank, the Commissioner is authorized to collect moneys due to such corporation, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided. The Commissioner shall collect all debts due and claims belonging to such State bank, and upon the order of the district court, if in session, or the judge thereof, if in vacation, of the county in which it was located and transacting business, may

sell or compound all bad or doubtful debts, and on like order may sell the real or personal property of such State bank on such terms as the court shall direct; and may, if necessary to pay the debts of such State bank, enforce the individual liability of the stockholders. The Commissioner may, under his hand and official seal, appoint one or more special agents to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the Commissioner and a certified copy in the office of the clerk of the county court in which such State bank was located and transacted business. The Commissioner may, from time to time, authorize a special agent to perform such duties connected with such liquidation and distribution as the said Commissioner may deem proper. The Commissioner may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such State bank, and may retain such of the officers or employes of such State bank as he may deem necessary. The Commissioner shall require from a special agent and from such assistants such security for the faithful discharge of their duties as he may deem proper. The Commissioner shall cause notice to be given by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons who may have claims against such State bank to present the same to the Commissioner and make legal proof thereof at a place and within a time not earlier than the last day of publication to be therein specified, which notice shall contain a statement, in larger type than that in which the body of said notice is printed, specifically stating that all such claims of guaranteed depositors must be presented and legal proof thereof made at the place designated within forty-five days after the date which the property and business of such State bank was taken possession of by the Commissioner, and that all claims of guaranteed depositors presented after the expiration of forty-five days shall not be entitled to payment of any portion thereof out of the State bank guaranty fund. The Commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the State bank. If the Commissioner doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimant, either by mail or

personally. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the Commissioner. The action upon a claim so rejected must be brought within six months after such service. Claims presented after the expiration of the time fixed in the notice to the creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the Commissioner equitably applicable thereto. Upon taking possession of the property and assets of such State bank, the Commissioner shall make an inventory of the assets of such State bank in duplicate, one to be filed in the office of the Commissioner and one in the office of the clerk of the county court in which such State bank was located and transacting business; upon the expiration of the time fixed for the presentation of claims presented, including and specifying such claims as have been rejected by him, and showing fully all claims and amounts paid to guaranteed depositors out of the State bank guaranty fund, and the amount to which said fund is entitled by reason of its subrogation to the rights of such guaranteed depositors so paid, and all amounts held by him on account of claims of guaranteed depositors, which have been rejected or are in dispute, one to be filed in the office of the clerk of the county court of the county in which such State bank was located and transacted business. Such inventory and list of claims shall be open at all reasonable times to inspection. All compensation of special agents, counsel and other employees and assistants, and all expenses of supervision and liquidation shall be fixed by the Commissioner, subject to the approval of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacting business, on notice to such State bank; provided, that the compensation of such special agents shall always be the same as is provided by law for State bank examiners, and shall, upon the certificate of the Commissioner, be paid out of the fund of such State banks in the hands of the Commissioner. The moneys collected by the Commissioner shall be from time to time deposited in one or more State banks, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. And any time after the expiration of the date fixed for the presentation of claims, the Commissioner

may, out of the funds remaining in his hands, after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of a notice to creditors, he may declare a final dividend, such dividends to be paid to such person and in such manner and upon such notice as may be directed by the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In the declaration and payment of all such dividends the State bank guaranty fund shall be entitled to receive as its dividend such portions of the amounts due and payable to guaranteed depositors as shall have been paid to them out of the State bank guaranty fund, together with 6 per cent interest thereon from the date or dates upon which checks were drawn upon all State banks, as hereinafter provided, to provide for the payment of the guaranteed deposits of such State banks, and the Commissioner shall forthwith distribute such dividends to State banks upon which checks were drawn for such payment of guaranteed depositors in proportion to the amounts of such checks, respectively. Objections to any claim not rejected by the Commissioner may be made by any party interested by filing a copy of such objections with the Commissioner, who shall present the same to the district court, if in session, or the judge thereof, if in vacation, at the time of the next application to declare a dividend. The court may make proper provision for unproved or unclaimed deposits. Whenever any such State bank, of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time within ten days after such taking possession, apply to the district court, if in session, or to the judge thereof, if in vacation, of the district in which such bank is located and transacting business to enjoin further proceedings, and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits dismiss such application or enjoin the Commissioner from further proceedings and direct him to surrender such business and property to such State bank. Whenever the Commissioner shall have paid to each and every depositor and creditor of such State bank (not including stockhold-

ers), except for the amount of their deposits over and above their liability under the law as stockholders, whose claim or claims as such creditor or depositor shall have been duly proven and allowed, the full amount of such claims, and shall have repaid to the State bank guaranty fund all amounts paid out of it to guaranteed depositors of such State bank, together with 6 per cent interest thereon from the date when the checks to provide for such payment were drawn and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the Commissioner shall call a meeting of the stockholders of such State bank by giving notice thereof for thirty days in one or more newspapers in the county where such State bank was located and transacted business. At such meeting the stockholders shall determine whether the Commissioner shall be continued as liquidator, and shall wind up the affairs of such State bank, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and a majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the Commissioner, he shall complete the liquidation of such corporation, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the district court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary for a choice. Such agent or agents shall execute and file with the Commissioner a bond, in such amount, with such sureties and in such form as shall be approved by the Commissioner, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the Commissioner shall transfer and deliver to such agent or agents all the undivided and unclaimed or other assets of such State bank then remaining in his hands; and upon such transfer and delivery the said Commissioner shall be discharged from any and all further liability to such State bank and its creditors and stockholders. Such agent or agents shall convert the assets coming into his or their possession into

cash, and shall account for and make distribution of the property of said State bank, as is herein provided in the case of distribution by the Commissioner, except that the expenses thereof shall be subject to the direction and control of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In case of the death, removal or refusal to act of such agent or agents, the stockholders, on the same notice, to be given by the Commissioner, upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may select a successor, and shall have the same power and be subject to the same liabilities and duties as the agent originally elected. Dividends and unclaimed deposits remaining unpaid in the hands of the Commissioner for six months after the order for final distribution, shall be by him deposited in some State bank to be designated by the State Banking Board to the credit of the Commissioner in his name of office, in trust for the several depositors with and creditors of the liquidated State bank from which they were received, who are entitled thereto. The Commissioner shall show in his official report the names of the State banks so taken possession of and liquidated, and the amounts of unclaimed and unpaid deposits or dividends, with respect to each of them, respectively. The Commissioner shall pay over the moneys so held by him to the persons respectively entitled thereto, upon the order of the State Banking Board, who shall direct such payment to such persons upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, the State Banking Board may require an order of the district court, if in session, or the judge thereof, if in vacation, authorizing and directing the payment thereof. The State Banking Board may apply the interest earned by the moneys held by the Commissioner, or may authorize him to apply the same toward defraying the expenses incurred in the payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive the same, and the Commissioner shall include in his official report a statement of the amount of interest earned by such unclaimed dividends. Any State bank may, at any time, place its affairs and assets under the control of the Commissioner by posting a notice on its front door, as

follows: "This institution is in the hands of the Commissioner of Insurance and Banking of the State of Texas." The posting of this notice or of the same notice by the Commissioner or any State bank examiner at any time when he shall have taken possession of the property and business of a State bank, shall be sufficient to place all its assets and property of whatever nature in the possession of the Commissioner and shall operate as a bar to any attachment proceedings whatever.

Sec. 28. When any guaranty fund bank shall voluntarily place itself in the hands of the Commissioner, or when he shall take possession of the property and business of any guaranty fund bank, the State Banking Board shall immediately order the Commissioner to draw a warrant or warrants upon the State Treasurer, in the manner provided in this act, for such portion of the amount of the State bank guaranty fund deposited with the State Treasurer, in cash, as may be necessary to pay in full the amount due the guaranteed depositors of such bank. If the amount so necessary to pay such guaranteed depositors shall exceed the entire amount on deposit with the State Treasurer in cash, the State Banking Board shall immediately order the Commissioner to draw checks, countersigned by some other member of said board designated for that purpose, which shall be known and marked as "special checks" on such of the State banks and for such portions of the amount of the State bank guaranty fund on deposit therewith, respectively, as it may determine and direct, for amounts sufficient in the aggregate in addition to such amount on deposit with the State Treasurer, to pay in full the amount due the guaranteed depositors of said guaranty fund bank. The State Banking Board shall have the right to order additional special checks drawn as above provided, in case they shall find that the amount originally estimated will prove insufficient to pay all guaranteed depositors. Such special checks shall be made payable to the order of some State bank, and shall be deposited by the Commissioner in such bank as a special deposit, for the purpose of paying the guaranteed depositors in the guaranty fund bank of which he shall have taken possession, and shall be subject to his check for that use and purpose. The Commissioner may, if so directed by the State Banking Board, draw upon the sums so deposited in cash upon the checks made payable to himself, for the purpose of paying in cash

the guaranteed depositors of said closed guaranty fund bank. With the fund so provided, the Commissioner shall immediately proceed, either personally or through his special agent, to pay all claims of guaranteed depositors, as they may be presented and proven up, taking receipts therefor in such form as may be prescribed by the State Banking Board. At the expiration of forty-five days after the Commissioner shall have taken possession of the property and business of any guaranty fund bank, whose guaranteed depositors he shall have paid in cash, he shall make report to the State Banking Board of the total amount of guaranteed deposits of such institution, and of the amount of such guaranteed deposits paid by him, and to whom paid, and of the amount of claims presented by guaranteed depositors, which he has rejected and disallowed, and of any amount of cash he has on hand, on account of such claims, and of any amount which he may have paid or contracted to pay out of said State bank guaranty fund in connection with the expenses incident to the payment of such guaranteed deposits, and of the amount remaining in his hands or on special deposit in his name out of the funds provided by special checks for the payment of the guaranteed depositors of such bank, and of the amount of money in his hands belonging to said closed bank, which may be properly paid into the State bank guaranty fund, on account of the guaranteed deposits paid out of such fund. Such report shall be accompanied by proper vouchers for all expenditures so made by the Commissioner or his special agent. The State Banking Board shall thereupon consider such report, and carefully audit the same in connection with the vouchers submitted therewith, and if it approve the same, it shall order the Commissioner to draw checks countersigned by some other member of said board, designated for that purpose, upon all guaranty fund banks, other than those upon whom such special checks were drawn for their respective proportionate amounts of such sum as may be necessary in addition to such amount as may remain unexpended in the hands of the Commissioner out of the proceeds of such special checks, and such amount belonging to said closed bank as may be in his hands, which is due and payable as aforesaid, to the State bank guaranty fund, to repay the amounts drawn by such special checks. Each of the checks so drawn shall be for that proportion of such sum which the amount of the State bank guaranty fund on deposit in

each such guaranty fund bank bears to the total amount of said State bank guaranty fund, and such checks shall be payable to the order of some State bank in which they shall be deposited by the Commissioner to his credit as a special deposit, and against such special deposit he shall immediately draw his check in favor of such of the guaranty fund banks upon whom special checks were drawn for the difference between the amount of such special checks drawn upon each bank and its proportionate amount of the cash raised upon all of such special checks so drawn, and he shall immediately transmit the same to such banks upon whom such special checks were drawn in repayment of the amount advanced by them, over and above the amount proportionately due by them. When any part or all of the cash on deposit with the State Treasurer shall have been used in the payment of the guaranteed deposits of any guaranty fund, it shall be the duty of the State Banking Board, to immediately order the Commissioner of Insurance and Banking to draw checks to be countersigned by some other member of the board, designated for that purpose, upon all guaranty fund banks, for the pro rata part of such sum as may be necessary to restore the amount of such cash on deposit with the State Treasurer, as of January 10, preceding, and to pay the proceeds of such checks to such State Treasurer. The Commissioner, within ninety days after he shall have taken possession of any guaranty bank, shall make a full report to the State Banking Board, showing the amounts collected and disbursed by him in the payment of guaranteed depositors, accompanied by proper vouchers for all disbursements, and showing all amounts remaining in his hands and on what account the same is held, which report shall be carefully audited by the State Banking Board, in connection with the vouchers submitted therewith. A copy of such report shall be recorded in the office of the Commissioner, and a certified copy shall be recorded in the office of the county clerk of the county where such State bank was located and transacted business, and a printed copy shall be mailed by the Commissioner to each guaranty fund bank in the State.

Sec. 29. If the Commissioner, or his special agent, shall disallow or reject any claim presented by a guaranteed depositor, he shall nevertheless include the amount of such disallowed or rejected claim in the amount for the payment of which provision is to be made

out of the State bank guaranty fund, and like provisions shall be made for such claim as for those duly allowed and paid; but the Commissioner shall retain in his hands such an amount pending the final settlement and an adjudication of such rejected or disputed claim, and shall apply the same in payment thereof, if it shall be found that such State bank was legally liable therefor, and shall equitably distribute the same to the various banks in which the State bank guaranty fund is deposited, if it shall be finally determined that such State bank is not so liable.

Sec. 30. Any deposit made by the Commissioner, as provided by this act, in any State bank, for the purpose of providing for the payment of guaranteed depositors, whether of special checks or checks drawn upon all banks in which the State bank guaranty fund may be deposited or otherwise, and all deposits of any portion of the State bank guaranty fund originally credited thereto in any State bank, as provided by this act, shall be preferred before all other deposits in case of the insolvency or suspension of the depository.

Sec. 31. If from the sworn statement of the average daily deposits of any bank for the year ending on the first day of November, 1909, or of any subsequent year, filed with the Commissioner as provided in this act, it shall appear that such average daily deposits for such year amounted to more than five times the capital stock and surplus of such bank on November 1 of such year, if the capital stock of such bank is not more than \$10,000, or more than six times such capital stock and surplus if the capital stock is more than \$10,000 and less than \$20,000, or seven times such capital stock and surplus if the capital stock is \$20,000 or more and less than \$40,000, or eight times such capital stock and surplus if the capital stock is \$40,000 or more and less than \$75,000, or nine times such capital stock and surplus if the capital stock is \$75,000 or more and less than \$100,000, or ten times such capital stock and surplus if such capital stock is \$100,000 or more, then in any such case it shall be the duty of the State Banking Board to require that such State bank shall within sixty days thereafter increase its capital by 25 per cent thereof, and it shall be the duty of the Commissioner to immediately furnish such State bank with a certified copy of the order making such requirement, and upon the receipt of such requisition the directors of such State bank shall,

within the time required, cause such increase to be made in its capital stock, and if the same is not done within such time, it shall be unlawful for such bank to thereafter receive any deposits at any time when its total demand and time deposits shall in the aggregate amount to more than the limitation herein placed upon deposits.

Sec. 32. Section 39 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 39. It shall be the duty of the Commissioner of Insurance and Banking, at least once in each quarter of each calendar year to cause each banking corporation, subject by law to examination, to be thoroughly and fully examined, and any such corporation may be examined whenever such Commissioner may deem it necessary or expedient. Such Commissioner and the State bank examiners shall have the power to administer oaths to any person whose testimony may be desired for the purpose of any such examinations. The expenses of every general and special examination shall be paid by the corporation examined in such amount as the Commissioner of Insurance and Banking shall certify to be just and reasonable. Provided, such expenses shall be paid in proportion to the amount of capital stock of the various corporations as follows: Those with a capital stock of \$10,000 shall not pay more than \$12.50; those with a capital stock of more than \$10,000 and not exceeding \$25,000 shall not pay more than \$15; those with a capital stock of more than \$25,000 and not exceeding \$50,000 shall not pay more than \$20; those with a capital stock of more than \$50,000 and not exceeding \$100,000 shall not pay more than \$30; those with a capital stock of more than \$100,000 and not exceeding \$250,000 shall not pay more than \$37.50; those with a capital stock of more than \$250,000 and not exceeding \$500,000 shall not pay more than \$75; those with a capital stock of more than \$500,000 and not exceeding \$1,000,000 shall pay not more than \$125; those with a capital stock of more than \$1,000,000 and not exceeding \$2,000,000 shall not pay more than \$150; those with a capital stock of more than \$2,000,000 and not exceeding \$4,000,000 shall not pay more than \$200; and those with a capital stock exceeding \$4,000,000 shall not pay more than \$300.

"The permanent surplus of any such

corporation shall be reckoned in ascertaining the fees for examination as a part of its capital stock. All sums collected as examination fees shall be paid by the Commissioner of Insurance and Banking directly into the State Treasury, to the credit of the general revenue fund. Payments for salaries and expenses of examinations and for expenses of the Commissioner of Insurance and Banking in enforcing this act shall be made upon the certificate of the Commissioner of Insurance and Banking by warrant on the Comptroller upon the State Treasurer.

"The result of each examination shall be certified by the examiner upon the record of the corporation examined, and the report of all examinations made during each year shall be embodied in an annual report pertaining to banking matters, to be made by the Commissioner of Insurance and Banking to the Governor. The result of all such examinations shall be reported semi-annually to the Comptroller."

Sec. 33. Section 44 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Section 44. The Commissioner of Insurance and Banking shall from time to time appoint such number of State bank examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners, each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly under oath by each examiner and shall be approved by the Commissioner."

Sec. 34. No State bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or, in default thereof, such State bank shall be considered to have its capital stock impaired to the extent of the par value of such shares.

Sec. 35. No State bank shall, at any

time, be indebted or in any way liable, to an amount exceeding the amount of its capital stock at such time, actually paid in and remaining undiminished by losses, or otherwise, except on account of demands of the nature following:

(1) Money deposited with, or collected by such State bank.

(2) Bills of exchange or drafts drawn against money actually on deposit to the credit of such State bank, or due thereto.

(3) Liabilities to the stockholders of such bank on account of the stock held by them and for dividends and undivided profits.

Sec. 36. It shall be unlawful for any such bank to hypothecate or pledge as collateral security for money borrowed upon bills payable or certificates of deposit, or otherwise, its securities to an amount more than 50 per cent greater than the amount borrowed thereon, or for any State bank to issue or execute any bills or other evidence of indebtedness, secured or to be secured, by the pledge or hypothecation of any of its securities which shall not contain a provision that in the event such State bank shall, for any cause, have its property and business taken possession of by the Commissioner, at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after the date of such taking possession shall be allowed in which such bank or Commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness.

Sec. 37. After this act shall take effect, it shall be unlawful for any State bank to make a loan, secured by the stock of any other banking corporation, if by the making of such loan as the total stock of such other banking corporation held by it as collateral, will exceed in the aggregate 10 per cent of the capital stock of such other banking corporation, unless the taking of a greater percentage of such capital stock as collateral shall be necessary, to prevent loss upon a debt previously contracted, in good faith, and any such excess so taken as collateral, or owned by such State bank, shall not be held as collateral or owned by it for a longer period than six months.

Sec. 38. After this act shall take effect, no State bank shall make a loan upon real estate security, directly or indirectly, which shall not be due and payable within five years from the date upon which such loan is made, or a

loan upon other than real estate security which shall not be due and payable not more than one year from the date upon which such loan is made.

Sec. 39. Each director of a State bank, when appointed or elected, shall take an oath that he will so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation, and will not knowingly violate, or wilfully permit to be violated any of the provisions of the law applicable to such State bank; and he is the owner in good faith, and in his own right, of the number of shares of stock required by law, subscribed by him or standing in his name on the books of the corporation, and that the same is not hypothecated, or in any way pledged as security for any loan or debt, and, in case of re-election or reappointment, that such stock was not hypothecated, or in any way pledged as security for any loan or debt during his previous term. Such oath shall be subscribed by the director making it, and certified by the officer before whom it is taken, and shall be immediately transmitted to the Commissioner, and filed and preserved in his office.

Sec. 40. The directors of every State bank shall hold a regular meeting once a month, at which it shall be the duty of the cashier, or some other officer designated for that purpose by resolution of the board of directors, duly recorded in its minutes, to prepare and submit to each director a written statement of all purchases and sales of securities, and of every discount and loan, exclusive of discounts and loans of less amounts than \$1000, if the capital stock of such State bank be \$100,000 or more, and exclusive of discounts and loans of less than 1 per cent of its capital stock, if it be less than \$100,000, made since the last regular meeting of the board, describing the collateral to the loans so made, as of the date of the meeting at which such statement is submitted. Such statement shall also contain a list giving the aggregate of loans and discounts to each individual, firm, corporation or association, whose liability to such bank has been increased since the last regular meeting of the board, \$1000 or more, if such State bank has a capital of \$100,000 or more, and 1 per cent of its capital stock, if the same be less than \$100,000 together with a description of the collateral to such loans, held by such corporation at the date of the meeting at which such statement is submitted. A copy of such statement shall be immediately mailed to each director

not present at such meeting, whether or not a quorum of such directors shall attend, and a copy thereof together with a list of the directors present at such meeting and of those to whom such statements were mailed, verified by the affidavit of the officer or officers charged with the duty of preparing such statement, shall be filed with the records of such State bank, within one day after such meeting, and be presumptive evidence of the matters therein stated.

Sec. 41. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as hereafter to read as follows:

"Section 50. No bank and no bank or trust company or any member of either, shall, during the time it shall continue in banking or banking and trust operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise any portion of its capital. If losses have at any time been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by a bank or bank and trust company while it continues its banking and trust operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. (All debts due to any State bank on which interest is past due and unpaid for a period of six months unless the same are well secured and in process of collection, shall be considered bad debts within the meaning of this section.)

"The board of directors of any bank or trust company organized under this act may declare a semi-annual or quarterly dividend, if such dividend has been earned, provided the corporation be fully solvent, without such earnings proposed to be divided. But they shall not declare a dividend at any time when the capital of such corporation shall have become impaired to such an extent that it is not worth in good resources the full amount paid in after the payment of all liabilities, and any officer or director of such corporation who shall assent to declaring and paying dividends where the capital stock is so impaired, shall be personally liable to the creditors of the corporation to the amount of his proportion of the proposed dividend, if any loss occur by reason of the payment of such dividend."

Sec. 42. Section 53 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legisla-

ture of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 53. No incorporated bank, nor trust company, organized under this act, shall loan its money to any individual, corporation or company, directly or indirectly, or permit any individual, corporation or company to become at any time indebted or liable to it in a sum exceeding 25 per cent of its capital stock, or permit a line of loans or credits to any greater amount to any individual, corporation or company, a permanent surplus, the setting apart of which shall have been certified to the Commissioner of Insurance and Banking, may be taken and considered as a part of the capital stock for the purpose of this section, provided such surplus is in amount not less than 50 per cent of the capital stock of said bank; provided, that the provisions of this section shall not be construed as in any wise to interfere with the rules and regulations of any clearing association in this State in reference to the daily balances between banks, and that this section shall not apply to balances due from correspondents subject to draft, and that the discounting of the following classes of papers shall not be included in the limitations placed upon loans and credits by this section, viz.:

"1. The discount of bills of exchange drawn in good faith against actual existing values.

"2. The discount of paper upon the collateral security of warehouse receipts or other written instruments conveying a lien with the right to take immediate possession covering agricultural and manufactured products in store, elevators and warehouses, or conveniently deposited elsewhere under the following conditions:

"(a) That the actual market value of the property held in store and covered by such receipts, if other than cotton and cotton seed products, shall at all times exceed, by at least 25 per cent, the amount loaned upon the same, and if it be cotton or cotton seed products, it shall be at least 10 per centum of the amount loaned upon the same.

"(b) That the full amount of the loans shall at all times be covered by policies of fire insurance issued by companies admitted to do business in this State to the extent of their ability to cover such loans, and then by companies having sufficient paid-up capital to be so admitted, and all such policies shall be made payable in case of loss to the

bank or holder of such warehouse receipts, or other instruments."

Sec. 43. The Commissioner of Insurance and Banking shall have the power from time to time to make such changes in the form of the statements required of each banking corporation as he may deem advisable.

Sec. 44. Every president, director, cashier, teller, clerk or agent of any State bank who embezzles, abstracts or wilfully misapplies any of the moneys, funds or credits of such State bank, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of such State bank, with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual person, firm or association, or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of a felony and shall, upon conviction, be imprisoned in the State penitentiary for a term of not less than five years nor more than ten years.

Sec. 45. Any director of a State bank who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a majority of the directors of the bank first having been obtained and made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of any such State bank who shall knowingly loan or assent to the loaning of any of its funds to any officer, or any of its funds to any director in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or

who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years.

Sec. 46. Any officer, director or other agent or employe of any State bank, who knowingly and wilfully does any act as such officer, director, agent or employe, which is expressly forbidden by law, or wilfully or knowingly omits to perform any duty imposed upon him by law shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than one thousand (\$1000) dollars, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment.

Sec. 47. Any officer or director of a State bank, who concurs in any vote or act of the directors of such State bank, or any of them, by which it is intended to make a loan or discount to any director of such State bank, or upon paper, upon which any such director is liable, or responsible to any amount exceeding the amount allowed by law; or any director, officer or employe of any State bank who makes or maintains or attempts to make or maintain a deposit of such State bank's fund with any other bank or banking corporation on condition, or with the understanding, express or implied, with the bank or banking corporation receiving such deposit makes a loan or advance, directly or indirectly, to any director, officer and employe of the corporation so making, or attempting to make or maintain deposit, or any officer, or employe of any State bank who intentionally conceals from its directors any discounts or loans made by it between the regular meetings of its board of directors, or the purchase of any securities or the sale of any of its securities during the same period, or knowingly fails to report to its board of directors, when required to do so by law, all discounts or loans made by it, and all securities purchased or sold by it between the regular meetings of its board of directors, or the purchase of any securities or the sale of any of its securities during the same period, or knowingly fails to report to its board of directors, when required to do so by law, all discounts or loans made by it, and all securities purchased or sold by it between the regular meetings of its board of directors, or

any officer, director or employe of any State bank who shall wilfully and knowingly make any loan or discount for such State bank, at any time when the reserve of such bank required by law to be maintained by it shall be less than 25 per cent of its demand deposits, and until it shall, by collections restore its lawful reserve, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred, nor more than one thousand dollars, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment.

Sec. 48. Any State Bank Examiner, or special agent, who shall knowingly and intentionally fail or refuse to notify the Commissioner of Insurance and Banking in writing, of any violation of the criminal provision of this act or any provision of the Penal Code of this State, involved in any transaction connected with the operation of any State bank, within ten days after the same shall come to his notice or attention, unless such notice shall, within his knowledge, have been previously given by some other bank examiner or special agent, or any Commissioner of Insurance and Banking who shall knowingly and intentionally fail or refuse to notify in writing the county or district attorney charged by law with the duty of prosecution thereof, of any such violation within ten days after the same shall come to his knowledge or attention, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than three nor more than twelve months, or by both such fine and imprisonment, and upon conviction, shall be removed from office.

Sec. 49. Any officer, clerk or agent of any State bank, who shall wilfully certify to any check or checks, before the amount thereof shall have been regularly entered to the credit of the drawer, upon the books of such State bank, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the State penitentiary for not more than one year, or by both such fine and imprisonment.

Sec. 50. Any guaranty fund bank incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the

word "savings" as a part of its corporate name, or in or as a part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located: such copies to be so filed by banks or banking and trust companies maintaining savings departments and using the word "savings" as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and to be filed by the banks desiring to establish such savings departments after this act shall take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which having such departments or so using the word "savings" at the time this act shall take effect, shall continue to maintain such departments or to so use the word "savings" more than ninety days thereafter shall keep the business of such department entirely separate and distinct from the general business of the bank or banking and trust company, and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other money and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to wit:

(1) In bonds or interest-bearing notes or obligations of the United States, or of those for which the faith of the United States is pledged for the payment of principal and interest.

(2) In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may be hereafter organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which

has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

(3) In bonds of the State of Texas or of any State in the Union that has not within the last five years previous to making such investment, defaulted in the payment of any part of either principal or interest thereof.

(4) In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

(5) In bonds and notes secured by first mortgage, deed of trust, or other valid first lien on unincumbered improved real estate to run for a term not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this State, certifying said bonds or notes to be a first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above prescribed and from time to time to sell and reinvest the proceeds of such investment, but for the purpose of meeting current demands in excess of the receipts, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than 15 per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposit, as provided for in this section, at the option of the bank or banking and trust company. In case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors shall have an exclusive prior lien upon all the assets, including cash, of such savings department, which shall be first applied to the payment of their claims, and the remainder, after they have been paid in full, shall be applied in payment of claims of general creditors. It shall be the duty of the president or vice president and the cashier

of each State bank or banking and trust company maintaining a savings department under the provisions of this section to file with the Commissioner of Insurance and Banking not less than ten days after the first day of each calendar month, a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits when the last preceding monthly statement, as herein provided for, is not conspicuously posted in the office or room where its business is transacted.

The directors of any guaranty fund bank establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on its savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in case the earnings of such savings department are insufficient to pay any interest due upon any savings deposits, such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general funds of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due and accrued on savings deposits and the legitimate expenses of such departments have been provided for. In computing the aggregate amount of the average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided in Section 17 of this act, the deposits of its saving department, as provided in this section, shall not be included. All such savings departments shall be governed by the terms and provisions of this act, so far as the same are applicable and are not in conflict with the special provisions of this section, and shall also be governed by such provisions of the laws of this State applicable to savings banks as are not in conflict with any provisions of this act, or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors

at any regular meetings or by the stockholders at any annual meeting; provided, that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any officer or director of any State bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use or continue to use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept directly or indirectly, any commission, brokerage or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any securities or other investment, or wilfully and knowingly do or perform any act or transaction, by or as a result of which at any time, the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least 15 per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section shall be deemed guilty of a felony, and shall upon conviction be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

Sec. 51. Any bank or trust company created by virtue of a special act of the Legislature of the State of Texas, that is now and has been for more than three years engaged in the general banking business in Texas and which at the time has only one place of business, and which has heretofore or may hereafter, prior to the taking effect of this law, accepted one or more of the provisions of the Acts of the Twenty-ninth Legislature, known as the State Banking Law, thereby submitting it-

self to the jurisdiction of the State Banking Department, may, with the approval of the Commissioner of Insurance and Banking of the State of Texas, avail itself of the provisions of this act, either as a bond security bank, or as a guaranty fund bank.

Sec. 52. Neither the Commissioner of Insurance and Banking or any regularly appointed clerk or employe of the Department of Insurance and Banking, or any State bank examiner, shall, at any time during his incumbency, be financially interested, directly or indirectly, in any State bank or banking and trust company, subject to the supervision of the Department of Insurance and Banking, or knowingly be or become indebted either directly or indirectly to any such State bank or banking and trust company.

Any officer or employe named in this section violating its provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500, and the venue in such case shall be in the county wherein such State bank or banking and trust company is located. The violation of the provisions of this section shall work a forfeiture of the office or position held by the person guilty of such violation.

Sec. 53. Section 40 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby repealed.

Sec. 54. The fact that if this act shall become a law, as much time as possible prior to the first day of January, 1910, will be necessary for the thorough and strict examination of all State banks and other necessary preparation before that time, and the fact that there are now practically no criminal penalties provided for violating the provisions of the State Banking Laws, constitute an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And amend the caption so as to read as follows:

A bill to be entitled "An Act to provide for the more effective regulation and supervision of banking corporations; and providing for the better securing of depositors of such corporations; providing for and defining bond security banks; and providing for and defining guaranty fund banks; and providing that all banking corporations

hereafter formed shall avail their depositors of the protection provided for by this act either for bond security banks or guaranty fund banks at their option; and that all banks heretofore incorporated and all banks incorporated prior to the adoption of the Constitution of 1876 and all National banks transacting business in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act, either as bond security banks or guaranty fund banks; amending Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking; and creating the State Banking Board and prescribing its powers and duties; and providing for penalties for the violation of this act, and declaring an emergency.

MEACHUM,
GREER,
BRACHFIELD,
PERKINS,
COFER,
HAYTER,
THOMAS,
VEALE,
BRYAN,
HARPER,
HOLSEY,
MAYFIELD.

Senator Hume moved to table the substitute, which motion was adopted by the following vote:

Yeas—13.

Adams.	Senter.
Alexander.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Masterson.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Nays—10.

Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Thomas.
Harper.	Veale.
Holsey.	Willacy.

Absent.

Stokes.	Sturgeon.
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PAIRED.

Senator Hayter (present), who would vote "nay," with Senator Real (absent), who would vote "yea."

Senator Brachfield (present), who would vote "nay," with Senator Hudspeth (absent), who would vote "yea."

Senator Kellie (present), who would vote "yea," with Senator Perkins (absent), who would vote "nay."

The amendment by Senator Terrell of McLennan was then adopted by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Hudspeth.	Stokes.
Perkins.	Sturgeon.
Real.	

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the bill by adding after Section 28 the following section and numbering the others to conform thereto:

"Neither the Commissioner of Insurance and Banking or any regularly appointed clerks or employees of the Department of Insurance and Banking, or any State bank examiner, shall, at any time during his incumbency be financially interested, directly or indirectly, in any State bank or banking and trust company, subject to the supervision of the Department of Insurance and Banking, or knowingly be or become indebted, either directly or indirectly, in any such State bank or banking and trust company."

"Any officer or employee named in this section violating its provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500, and the venue in such case shall be in the county wherein such State bank or banking and trust company is located. The violation of the provisions of this section shall work a forfeiture of the office or position held by the person guilty of such violation."

BRACHFIELD,
ALEXANDER.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the bill by adding another section after Section 28, to read as follows and renumbering the other sections to conform thereto:

"Any officer, clerk or agent of any State bank, who shall wilfully certify to any check or checks, before the amount thereof shall have been regularly entered to the credit of the drawer, upon the books of such State bank, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment in the State penitentiary for not more than one year, or by both such fine and imprisonment."

BRACHFIELD,
ALEXANDER.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the bill by adding after Section 28, the following section and renumbering to conform thereto:

"Any State bank examiner, or special agent, who shall knowingly and intentionally fail or refuse to notify the Commissioner of Insurance and Banking in writing of any violation of the criminal provisions of this act within ten days after the same shall come to his notice or attention, unless such notice shall, within his knowledge, have been previously given by some other bank examiner or special agent, or any Commissioner of Insurance and Banking who shall knowingly and intentionally fail or refuse to notify in writing the county or district attorney charged by law with the duty of the prosecution thereof, of any such violation within ten days after the same shall come to his knowledge or attention, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred, nor more than five hundred dollars, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment, and upon conviction shall be removed from office."

BRACHFIELD,
ALEXANDER.

Senator Harper offered the following amendment:

Amend by adding after Section 28, the following section and renumbering the sections to conform thereto:

"The members or member of the bank-

ing board who do not reside in the city of Austin and who do not receive an annual salary, should be paid the sum of \$10 per day for each day he shall serve on said banking board, and 3 cents per mile for each mile traveled going to and returning from said meeting; provided no salary as members of the board shall be paid to the Lieutenant Governor while the Legislature is in session, or serving as acting Governor."

ALEXANDER,
HARPER.

(Senator Veale in the chair.)

Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by striking out the following: "Who do not reside in the city of Austin and."

The amendment to the amendment was read and adopted.

The amendment, as amended, was then adopted.

(Lieutenant Governor Davidson in the chair.)

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Sections 13 and 23 and insert in lieu thereof the following, and by renumbering the sections correctly:

"Provided, that any bank operating under either form of guaranty herein provided for shall advertise the fact as to such guaranty it is operating under the following language: 'This bank has contributed its proportion of the guaranty fund as required by law to secure its depositors and is operating under said clause of the law' or 'this bank has given bond to secure its depositors, approved by the county judge of..... county and Attorney General of Texas and now on file as required by law,' as the case may be.

"Any violation of the form of advertisement herein prescribed shall be ground for a prosecution against said bank so violating said provision, and it is hereby made the duty of the Commissioner of Banking of this State to immediately institute a prosecution against the officers and directors of such bank for any violation of said clause, and the officers and directors of any bank permitting any other advertisement than the one herein stipulated with reference to said guaranty of deposits to be made shall, upon conviction, be fined in any sum not less than one hundred dollars nor more than one thousand

dollars, or by imprisonment in the county jail not to exceed twelve months; said offense is hereby defined to be the unlawful advertising of a plan of securing depositors adopted by said bank; provided, that it shall constitute a violation of this act for any bank to advertise in the newspapers, or in any circulars, bill heads, letter heads, or in any other manner, the plan adopted by such bank for the purpose of securing its depositors other than above stipulated, and it shall constitute and is hereby made an offense for the officers or directors of any banking institution in this State adopting either of the above plans of guaranty to directly, or indirectly, advertise that the State guarantees the deposits in the bank of which they are directors or officers, and upon conviction they shall be fined as above provided."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting a new section before the emergency clause, and properly numbering to read as follows:

"Sec —. The provisions of this act shall be held to be cumulative of all laws now in force applicable to State banks."

Senator Alexander offered the following amendment:

Amend the bill by inserting a new section to be numbered properly before emergency clause, and renumbering the following sections:

"It shall be unlawful for any State bank or trust company in this State to directly or indirectly loan to any person interested in or employed by the department of the State Insurance and Banking Department, and it is hereby expressly provided that a violation of this provision shall upon conviction, be punished by a fine of not less than \$100 nor more than \$1000; and it is also expressly provided that no warrant or account shall be audited by the Comptroller or paid by the State Treasurer to any person in the employment of the Insurance and Banking Department in this State, unless the person to whom same is payable shall make the following oath:

"I,, do solemnly swear that I am not directly or indirectly indebted to any State bank or trust company in any sum of money whatever, and so far as I know I am not liable to any State bank or trust company in any sum of money either as principal, surety or indorser, directly or indirectly, and that I am not interested

either directly or indirectly as a stockholder or otherwise in any State bank or trust company."

ALEXANDER,
WARD.

Senator Watson offered the following amendment to the amendment:

Amend the amendment by adding after the words "loan to," in line 4, the following:

"The Commissioner of Insurance and Banking or."

The amendment to the amendment was adopted.

The amendment, as amended, was then adopted.

Senator Hume offered the following substitute for the bill:

Substitute for amendment as amended by striking out all after the words "a bill" and insert the following:

To be entitled

An Act to require each corporation organized under the laws of this State to do a banking business or to receive funds on deposit to file annually with the Superintendent of Banking for the State a bond, or policy of insurance, or other guaranty of indemnity, to be approved by the county judge of the county in which such business is domiciled and by such Superintendent, to secure the depositors in such bank or other depository at such time and for the succeeding year, and fixing the terms of such bond, policy of insurance, or other guaranty of indemnity, and authorizing any other person, firm or corporation doing a banking business in the State, or receiving funds on deposit, to take the benefit of the provisions of this act, and providing for the issuance of certificates, by the Superintendent of Banking, showing compliance with the provisions of this act, and providing for the enforcement of the terms and conditions of such bond, or policy of insurance, or other guaranty of indemnity, and providing for the forfeiture of the charter of any corporation organized under the laws of this State to do a banking business or to receive funds on deposit which shall fail or refuse to comply with the provisions of this act, and providing that any corporation not incorporated under the laws of Texas, and transacting business in the State under a permit therefrom which shall violate the provisions of this act shall not receive another per-

mit from the State, and that the makers or signers as sureties of any bond, or policy of insurance, or other guaranty of indemnity executed hereunder upon making payments thereunder shall be subrogated to the rights of the depositors for whose benefit such payments shall be made, and providing penalties for the violation of the provisions of this act and for their enforcement, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of each banking corporation, or other corporation receiving funds on deposit, created under the laws of the State of Texas and transacting business in the State, to file annually with the Superintendent of Banking a bond, policy of insurance, or other guaranty of indemnity in an amount equal to twice the amount of its capital stock, which said bond, policy of insurance or other guaranty of indemnity shall be for and inure to the benefit of all depositors. Such instrument and the security thereby provided shall be approved by the county judge of the county in which such business is domiciled, and by the Superintendent of Banking, and shall take effect and be in force from and after the time it is approved and filed in the office of the Superintendent of Banking. Every such corporation shall comply with the provisions of this act within thirty days after the time said act shall take effect, and every such corporation that may hereafter be incorporated shall comply with the provisions of this section before it shall be permitted to receive deposits. Every such bond, or policy of insurance, or other guaranty of indemnity filed as provided for in this act shall secure depositors at the time said bond is filed and approved and all deposits made during the period of twelve months thereafter.

Sec. 2. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of this act and to file with the Superintendent of Banking a bond, or policy of insurance or other guaranty of indemnity. Any such corporation shall, in such event, file a bond, or policy of insurance, or guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of

Texas. Any such person or firm transacting the business of a private bank shall in such event file a bond, or policy of insurance, or other guaranty of indemnity in an amount equal to the average of the daily deposits with such person or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this act unless such person or firm shall have been engaged in such business in the State of Texas for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Superintendent of Banking such reports and statements concerning its deposits and concerning the solvency of such bond, or policy of insurance, or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance, or other guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided further, that such bond, policy of insurance or other guaranty of indemnity shall be approved by the county judge and the Superintendent of Banking, and filed with said Superintendent of Banking as provided for in Section 1 hereof.

Sec. 3. In the event of default by any person, firm or corporation transacting such business of receiving deposits which shall make, execute or file the bond, or policy of insurance, or other guaranty of indemnity provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Superintendent of Banking, when such default shall be made known to him, to report the same to the Attorney General of the State, and to give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond, or policy of insurance, or other guaranty of indemnity, and upon the mailing of such notice, the full amount of the same shall thereby become due and payable.

When any bond, or policy of insurance, or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Superintendent of Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond, or policy of in-

insurance, or other guaranty of indemnity. All proceeds thus arising, either from voluntary payment or otherwise, shall be payable to the Superintendent of Banking and shall be by him promptly paid over pro rata to unpaid depositors upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed, and before payment thereof shall be approved by him.

In the event any maker or signer as surety of such bond, or policy of insurance or other guaranty of indemnity shall be a corporation incorporated under the laws of Texas and it shall refuse or fail to pay over upon demand therefor, as herein provided, the full amount due by it upon such bond, or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General upon receiving notice thereof from the Superintendent of Banking to bring suit in the district court of Travis county, Texas, to forfeit such charter, and upon hearing thereof, decree and judgment may be rendered annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance, or other guaranty of indemnity shall be a corporation incorporated elsewhere than in the State of Texas and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over on demand therefor by the Superintendent of Banking, as herein provided, the full amount of its liability upon any such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Superintendent of Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Superintendent of Banking and the Commissioner of Insurance thereafter to refuse to issue any permit to said corporation to transact business in the State until it shall show to the satisfaction of such officers that it has fully discharged its liability upon such bond, or policy of insurance, or other guaranty of indemnity upon which default was thus made.

In the event such person, firm or corporation in default in the payment of a default lawfully demanded shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond, or policy of insurance, or other guaranty of indemnity is

not discharged, it shall be the duty of the Attorney General, or any district or county attorney acting at his instance, to bring suit upon such bond, or policy of insurance, or other guaranty of indemnity in the name of the Governor and for the benefit of all persons who may be beneficiaries thereof by reason of its terms and conditions. Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy of insurance, or other guaranty of indemnity transacted such business at the time of the filing thereof. Any action upon such bond or policy of insurance, or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

Sec. 4. Whenever any maker or signer of any bond, or policy of insurance, or other guaranty of indemnity other than the principal therein shall be required under the provisions of this act to pay over for the benefit of the depositors with any person, firm or corporation, any sum or sums of money, such maker or signer making or participating in such payment shall thereby become subrogated to the rights of a depositor to the extent of the payment or payments so made, and entitled to assert such right in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such bond, or policy of insurance or other guaranty of indemnity.

Sec. 5. The Superintendent of Banking shall charge a fee of not to exceed \$20 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 1 and the examination of the solvency thereof and for the filing of the same, and shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any other person, firm or corporation permitted to file such bond, or policy of insurance, or other guaranty of indemnity under the provisions of this act.

Sec. 6. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

The State of Texas,
County of.....

Know all men by these presents:
That we
as principal, and.....

and
as sureties, are held and firmly bound unto the Governor of the State of Texas, and his successors in office in trust for the benefit of depositors in the sum of dollars, payable as provided by the law of Texas at the time of the execution hereof, conditioned that the above bound..... will pay upon demand, or in accordance with its certificates of deposit, to the persons entitled thereto all deposits in said bank at the date of said bond and all other deposits made therein during the period of one year from the date thereof. Upon payment of any sum or sums made obligatory by reason of the terms hereof, any surety hereon making or participating in such payment shall thereby be subrogated to the rights of a depositor and entitled to assert such rights in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by the terms hereof.

Sec. 7. The security for the benefit of depositors provided for by this act may be divided into two or more bonds, policies of insurance, or other guaranties of indemnity, or any part thereof may be given in either of such forms of guaranty of indemnity; provided, that the aggregate thereof shall be equal to the total amount of the security required in accordance with the provisions of this act.

Sec. 8. Whenever the deposits of any corporation incorporated under the laws of Texas which shall have filed a bond, or policy of insurance, or other guaranty of indemnity with the Superintendent of Banking in accordance with the provisions of this act shall exceed five times the amount of its capital, it shall be its duty to furnish, in addition to the security theretofore so given, additional security for the protection of its depositors, which additional security shall consist of one or more bonds, or policies of insurance, or other guaranties of indemnity, as herein provided, in a sum or sums which shall, in the aggregate, be equal to the total amount of such excess of deposits above five times the amount of the capital of such corporation. In the event any such corporation shall refuse or fail to comply with the provisions of this section, after demand by the Superintendent of Banking, it shall be his duty to report the facts to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof

thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 9. If any corporation organized under the laws of this State to do a banking business or to receive funds on deposit shall fail or refuse to file the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 1 hereof in accordance therewith, it shall be the duty of the Superintendent of Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 10. If at any time it shall appear to the Superintendent of Banking that any bond, or policy of insurance, or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, he shall have the authority, and it shall be his duty, to require such corporation to file new or additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such order or requirement of the Superintendent of Banking, he shall communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Superintendent of Banking and the Attorney General shall in such event have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws enacted at the First Called Session of the Twenty-ninth Legislature.

Sec. 11. The Superintendent of Banking shall issue to every person, firm or corporation acting hereunder and entitled thereto a proper certificate showing compliance with the provisions of this act and the amount and nature of the security furnished. Such person, firm or corporation shall post such certificate conspicuously in its place of business, and may publish or advertise said certificate, or the facts recited therein; provided, any person, firm or corporation which shall falsely publish, advertise or represent or cause to be falsely published, advertised or represented any statement of compliance with the provisions of this act, or any false statement as to

the terms of such certificate, or the facts recited in said certificate shall be deemed guilty of a misdemeanor and shall be punished for each offense by fine not to exceed \$1000.

Sec. 12. The fact that no adequate provision now exists for the execution and filing of bonds or other indemnities for the protection of depositors in banking, and other concerns receiving funds for deposit in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SENTER,
HUME.

Pending the reading of the substitute, on motion of Senator Hume, the same was dispensed with.

Senator Harper moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—14.

Alexander.	Meachum.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Veale.
Holsey.	Ward.
Mayfield.	Willacy.

Nays—10.

Adams.	Paulus.
Hume.	Peeler.
Kellie.	Senter.
Masterson.	Watson.
Murray.	Weinert.

Absent.

Perkins.	Thomas.
Sturgeon.	

PAIRED.

Senator Hayter (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

Senator Brachfield (present), who would vote "yea," with Senator Huds-
peth (absent), who would vote "nay."

RECESS.

Senator Murray here moved that the Senate recess until 3 o'clock, which motion was adopted by the following vote:

Yeas—16.

Adams.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Nays—9.

Alexander.	Stokes.
Brachfield.	Terrell of McLennan.
Holsey.	Veale.
Mayfield.	Ward.
Meachum.	

Absent.

Greer.	Real.
Hudspeth.	Sturgeon.
Perkins.	Thomas.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas,

Austin, Texas, April 29, 1909.

To the Legislature.

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation thereon the following subjects:

1. Legislation establishing additional county courts for civil and criminal business, or with criminal jurisdiction alone; and to prescribe the jurisdiction and organization and the practice in such courts; and to provide for appeals thereto and therefrom and for the transfer of causes from county courts to such new courts as may be created; and to fix the terms thereof; and to prescribe the qualifications and powers of the judges of such courts; and to provide for their appointment; and to fix the compensation of such courts and of the judges of the county courts.

2. Legislation amending Section 2 of House bill No. 68, passed at the Regular Session of the Thirty-first Legislature, relating to occupation tax on all retail dealers in non-intoxicating malt liquors, etc.; to provide for the issuance of licenses; and fixing penalties so as

to prevent persons taking out such licenses from carrying on business under said licenses in more than one place under such licenses at the same time.

T. M. CAMPBELL,
Governor of Texas.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4 and

Senators Meachum and Harper offered the following amendment:

Amend the bill as amended by adding just before the emergency clause a new section, to be numbered properly to fit the bill as amended, to read as follows:

Section 53 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Section 53. No incorporated bank, nor trust company, organized under this act, shall loan its money to any individual, corporation or company, directly or indirectly, or permit any individual, corporation or company to become at any time indebted or liable to it in a sum exceeding 25 per cent of its capital stock, or permit a line of loans or credits to any greater amount to any individual, corporation or company, a permanent surplus, the setting apart of which shall have been certified to the Commissioner of Insurance and Banking, may be taken and considered as a part of the capital stock for the purpose of this section, provided such surplus is in amount not less than 50 per cent of the capital stock of said bank; provided, that the provisions of this section shall not be construed as in any wise to interfere with the rules and regulations of any clearing association in this State in reference to the daily balances between banks, and that this section shall not apply to balances due from correspondents subject to draft and that the discounting of the following classes of papers shall not be included in the limitations placed upon loans and credits by this section, viz.:

"1. The discount of bills of exchange drawn in good faith against actual existing values.

"2. The discount of paper upon the collateral security of warehouse receipts or other written instruments conveying a lien with the right to take immediate possession covering agricultural and manufactured products in store in elevators and warehouses, or conveniently deposited elsewhere under the following conditions:

"(a) That the actual market value of the property held in store and covered by such receipts, if other than cotton or cottonseed products, shall at all times exceed, by at least 25 per cent, the amount loaned upon the same, and if it be cotton or cottonseed products, it shall at least exceed 10 per centum of the amount loaned upon the same.

"(b) That the full amount of the loans shall at all times be covered by policies of fire insurance issued by companies admitted to do business in this State to the extent of their ability to cover such loans, and then by companies having sufficient paid-up capital to be so admitted, and all such policies shall be made payable in case of loss to the bank or holder of such warehouse receipts, or other instruments."

Pending discussion on the above amendment, Senator Mayfield moved the previous question on the same, which being duly seconded, was so ordered.

Action recurred on the amendment by Senator Meachum, and the same was lost by the following vote:

Yeas—8.

Bryan.	Mayfield.
Greer.	Meachum.
Harper.	Stokes.
Holsey.	Ward.

Nays—17.

Adams.	Peeler.
Alexander.	Senter.
Cofer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Brachfield.	Real.
Hudspeth.	Sturgeon.
Perkins.	Thomas.

Senator Senter offered the following amendment:

Amend the bill by adding thereto just before the emergency clause a new section, to be properly numbered and renumbering the emergency clause accordingly; said new section to read as follows:

"Sec. — It shall be unlawful for the Commissioner of Insurance and Banking, or for any agent or employee of the banking department, to seek or attempt, directly or indirectly, to con-

trol or influence the action of any bank under the supervision of such department, or of any officer or employee thereof, with respect to the course of business of such bank, except in pursuance of authority conferred by law. Any person violating the provisions of this section shall be adjudged guilty of a misdemeanor and shall be punished by fine of not less than one hundred dollars and not more than one thousand dollars, and shall also be subject to removal from office or from employment in the banking department."

The amendment was read and lost by the following vote:

Yeas—6.

Adams.	Paulus.
Hume.	Senter.
Kellie.	Watson.

Nays—18.

Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Veale.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Hudspeth.	Thomas.
Perkins.	Ward.
Sturgeon.	

PAIRED.

Senator Hayter (present), who would vote "nay," with Senator Real (absent), who would vote "yea."

Senator Mayfield offered the following amendment:

Amend the bill by striking out all of Section 2 down to the word "said," in line 4, just before the word "board," and insert in lieu thereof the following:

"A State Banking Board is hereby created which shall consist of the Commissioner of Insurance and Banking and two citizens, residents of this State, who shall be practical business men of at least five years' experience in the banking business, to be appointed by the Governor, which latter two members of said board shall each receive as compensation for such services the sum of ten dollars per day while actually engaged in discharge of their duties as members of said board."

Senator Terrell of McLennan moved the previous question on the amend-

ment and the engrossment of the bill, which motion being duly seconded, was so ordered.

Senator Watson made a point of order that a similar amendment to the bill had already been adopted.

Senator Veale was called to the chair and overruled the point of order.

The amendment was lost by the following vote:

Yeas—8.

Bryan.	Holsey.
Cofer.	Mayfield.
Greer.	Meachum.
Harper.	Terrell of Bowie.

Nays—17.

Adams.	Senter.
Alexander.	Stokes.
Hayter.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Perkins.	Sturgeon.
Real.	Thomas.

PAIRED.

Senator Brachfield (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Bill read second time and ordered engrossed.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Veale.
Holsey.	Ward.
Hume.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—1.

Kellie.	
	Absent.
Hudspeth.	Sturgeon.
Perkins.	Thomas.
Real.	

The bill was read third time, and Senator Holsey offered the following amendment:

Amend by adding the following new section to be known as Section —, prior to the emergency clause and numbering same:

Sec. —. All corporations exercising banking and discounting privileges, created by the Acts of the Legislature of the State, or under any general law, prior to the adoption of the Constitution of this State in 1876, shall be subject to be examined and shall make reports in accordance with the following provisions:

It shall be the duty of the Commissioner of Insurance and Banking, as often as he is required by law to examine State banks, and as often as he deems expedient, either personally or by examiner, to examine each of said corporations, and he or the examiner for him, shall have the power to administer oaths to any person whose testimony may be required in any such examination; and whenever it shall appear to the Commissioner of Insurance and Banking on any such examinations that any such corporation is insolvent, or is acting beyond the powers granted by its charter, or violating any law of this State applicable thereto, he shall communicate the facts to the Attorney General, to be acted upon by him as the law requires.

The expense of such examinations shall be paid by the corporation in such amount as the Commissioner of Insurance and Banking believes justifiable and reasonable, not to exceed the sum in proportion to capital (paid up) and surplus now fixed as maximum charge for the examination of banks organized under the provisions of Chapter 10 of the General Laws of Texas, passed by the First Called Session of the Twenty-ninth Legislature, and fully set forth in Section 39, Chapter 10, and all such examination fees, so collected, shall be paid directly to the State Treasurer and credited to the State bank examination fund.

The result of every such examination shall be certified by the examiner upon the records of the corporation examined and the result of all examinations during the previous years shall be embodied in a report by the Superintendent to the Legislature. The result of all such examinations shall be reported semi-annually to the State Comptroller. The board of directors of any such corporation, whenever required by the Commissioner of Insurance and Banking,

shall furnish a statement on such form as may be required by the Commissioner of Insurance and Banking, to be filed in his office under oath by notary public, by the president, cashier or secretary, and three directors, of the actual condition and the affairs of the corporation at the close of business on the day designated.

Said statement shall be published in a newspaper in any county where such corporation is located, and a copy of such statement shall be posted in place of business of such corporation accessible to the public.

The powers of the Commissioner of Insurance and Banking, in making such examinations, shall extend no further than to obtain facts bearing upon solvency or insolvency of any such corporations, and whether it is acting within the powers granted to it under its charter and obeying the laws of the State applicable thereto, and the powers granted to it by its charter shall in no way be affected by this act, and any such corporation shall have the right to continue exercising such powers that it is now lawfully exercising under its original charter name or under any other name to which it may have been changed by amendment made to its charter under and by virtue of the laws of Texas.

Any such corporation so long as it is found solvent by the Commissioner of Insurance and Banking, may be approved by him as the reserve agent for any other bank organized under the provisions of Chapter 10 of the General Laws passed by the Twenty-ninth Legislature of the State of Texas, at the Special Called Session of same, in the same manner and same ruling applicable to banks incorporated under said Chapter 10.

Any officer, director, agent or employe of any such banking corporation, having or exercising banking or discounting privileges, incorporated and organized under and by virtue of any general or special law of this State passed prior to the adoption of the Constitution in 1876, who shall refuse to make or file any statement required by this act, or any statement called for by the Commissioner of Insurance and Banking, or who shall wilfully make such statement falsely, or who shall fail and refuse to submit the books, papers and accounts of such banking corporation for the inspection of any bank examiner upon request, or answer, under oath, any question propounded by said examiner, or who shall knowingly and

wilfully violate any of the provisions of this act, he or they, or each of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine not exceeding five thousand dollars nor less than five hundred dollars, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment. And provided further that if this section is declared to be unconstitutional by the courts, that it shall not affect any other part of this act.

Senator Terrell of McLennan moved the previous question on the amendment and the bill, which motion being duly seconded was so ordered.

The amendment was adopted by the following vote:

Yeas—18.

Alexander.	Meachum.
Brachfield.	Peeler.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Greer.	Thomas.
Harper.	Veale.
Hayter.	Ward.
Holsey.	Weinert.
Mayfield.	Willacy.

Nays—9.

Adams.	Paulus.
Hume.	Senter.
Kellie.	Terrell of
Masterson.	McLennan.
Murray.	Watson.
	Absent.

Hudspeth.	Real.
Perkins.	Sturgeon.

Senator Weinert moved to reconsider the vote by which the amendment was adopted.

Senator Senter made a point of order on the vote by which the amendment was adopted. He called for a verification of the vote and claimed that Senator Hayter was paired with Senator Real, and had forgotten to announce the pair, etc.

The Chair (Senator Veale) overruled the point of order, stating that the vote had been declared before the question was raised.

Senator Harper made a point of order on the motion to reconsider, in view of the fact that the previous question had already been ordered on the final passage of the bill.

The Chair (Senator Veale) overruled the point of order.

Action then recurred on the motion to reconsider the vote by which the amendment was adopted, which motion was adopted by the following vote:

Yeas—17.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	

Nays—11.

Bryan.	Meachum.
Cofer.	Terrell of Bowie.
Greer.	Thomas.
Harper.	Veale.
Holsey.	Ward.
Mayfield.	

Absent.

Real.	Willacy.
Sturgeon.	

Action then recurred on the amendment by Senator Holsey, which was lost by the following vote:

Yeas—15.

Alexander.	Meachum.
Brachfield.	Perkins.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Greer.	Thomas.
Harper.	Veale.
Holsey.	Ward.
Mayfield.	

Nays—12.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Senter.
Kellie.	Terrell of McLennan.
Masterson.	Watson.
Murray.	Weinert.

Absent.

Sturgeon.	Willacy.
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PAIRED.

Senator Hayter (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

Senator Holsey then moved to reconsider the vote by which the bill was ordered engrossed.

Senator Harper made a point of order

that the previous question had been ordered on the final passage of the bill.

The Chair (Senator Veale) overruled the point of order.

Action then recurred on the motion to reconsider the vote by which the bill was ordered engrossed, and the motion was lost by the following vote:

Yeas—11.

Bryan.	Meachum.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Thomas.
Holsey.	Ward.
Mayfield.	

Nays—16.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Watson.
Murray.	Weinert.

Absent.

Sturgeon. Willacy.

PAIRED.

Senator Hayter (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Sturgeon. Willacy.

PAIRED.

Senator Hayter (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

Senator Terrell of McLennan moved to reconsider the vote by which the bill

was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

This bill recognizes the Democratic doctrine of individual liability for private debt, which must ultimately become the pillar of any system for the guaranty of bank deposits. It avoids the false pretense of a guaranty of deposits by the State, which is intolerable. While we do not approve any plan which would bring the banks into co-partnership of any sort, we vote for this bill as the only available measure for the guaranty of deposits which does not contain the obnoxious provisions of the Love or Cureton bill and to prevent the passage of a bill tending to build up a despotic and dangerous political machine, to unsettle business conditions, and to imperil the prosperity of the State.

Senter, Hume, Masterson, Weinert, Adams, Peeler, Paulus, Hudspeth, Watson, Kellie, Murray.

I vote for the passage of Senate bill No. 4 for the reason that I strongly believe in the passage of a bank guaranty law, and feel confident that this bill will be so amended in the House as to conform to the wishes and meet the needs of the people of this State, and in the hope the Senate will concur in the amendment. In the present form I do not believe that the bill will either meet the wishes of the people or their necessities, for the reason that it does not provide an adequate fund for the safe and sure protection of deposits, and I think this can be easily demonstrated. Indeed, in view of the inadequacy of the protection afforded by the bill to depositors and the ease with which those bankers, who will be in competition with the State bankers, can show to the public that their deposits in guaranty fund banks will not be fully or certainly protected against loss, I believe that the bill is all that any opponent of the guaranty of bank deposits could wish to see enacted, provided any bill for the guaranty of bank deposits is to be passed. I wish to call attention to the following obvious defects in the bill:

Section 4 of the bill provides that the fund shall be created by each bank, within sixty days after the act takes effect, paying in 1 per cent of its daily average non-interest-bearing deposits "for the preceding year," and that an-

nually after the first payment each bank and trust company subject to the provisions of the act shall pay one-fourth of 1 per cent of its daily average deposits until the sum of \$2,000,000 shall be created in such fund.

This would create a fund at the beginning of approximately \$250,000, if all the State banks went into the guaranty fund plan, and this would be increased by one-fourth of that amount each year thereafter if there were no losses to be paid out of the fund. The experience of the national banks of Texas as shown by the Comptrollers' report, since they were established in 1866, shows that the average annual loss to the depositors has equalled about thirteen hundredths of 1 per cent of the average annual deposits; but while this has been the average, during many of the years it has amounted to much more than this; for instance, for the years 1866 to 1877, inclusive, there was, no loss to depositors in any closed banks in Texas, but during the year 1878 the losses amounted to 3 per cent of the average deposits that year. If such losses should occur any year after this bill takes effect it would completely wipe out the fund provided by this bill, and the bill does not provide for any method by which it can be recuperated thereafter, except at the rate of one-fourth of 1 per cent of the average deposits each year. If the bill was passed all the national bankers of the State would have to do to keep State banks from going into the system would be to point out this obvious fact, and after a State bank had gone into the system, all that its national bank competitors across the street would have to do to destroy any benefit to the State bank from the system would be to point to this fact. It may be said that this limit of percentage of losses will never be reached again in Texas, and this is in all likelihood true, but the records also show that after 1878 there were no losses to depositors in national banks in Texas any year until 1891, in which year they amounted to thirty-seven hundredths of 1 per cent, or about \$100,000 in the aggregate, and in 1892 they amounted to fourteen hundredths of 1 per cent, or about \$44,000 in the aggregate; and in the next year, 1893, they amounted to seventy-four hundredths of 1 per cent, or about \$200,000 in the aggregate; so that a recurrence of the experiences of these three years would entirely wipe out the fund provided by this bill, and would render it impossible, under the system prescribed, for

the fund to be recuperated so as to be of any service to the banks taking advantage of it; that is, it would leave the guaranty fund banks without any guaranty fund.

Again, this record shows that during the year 1895 alone the loss to depositors during that year in the national banks of Texas amounted to one and twenty-five one hundredths per cent of the average deposits during that year, and aggregated in amount to \$388,000. The recurrence of this sort of a year in Texas, which occurred only thirteen years ago would wipe out the entire fund.

If the fund is arranged as provided in the Greer-Meachum bill the average expense to the banks during a number of years would be as small and inconsequential as under this bill or any possible plan, and yet by providing for additional assessment within the limit of 2 per cent of the average annual deposits it guarantees the payment out of the guaranty fund of all deposits, unless the loss to depositors in the State banks of Texas for some years should exceed the highest percentage of the average deposits in banks ever known in the forty years' experience of the national banks of Texas. The Greer-Meachum provision does not require that this amount shall be taken out of the banks or that any more, or even as much shall be taken out of each bank, as the Alexander bill, but by providing that it may be collected, makes certain and sure provisions for the payment of all depositors in full.

Again, this bill provides that there shall be no further payments made after the fund reached the sum of \$2,000,000, which would permit all banks thereafter forced to come into the plan without contributing a penny, upon absolute equality with those which have contributed the two million.

Again, instead of providing for an annual readjustment of this fund in accordance with the increase or decrease of the amount of each bank's liability to depositors, resulting from the increase or decrease of the amount of its deposits, it provides for the fixed 1 per cent, originally paid in and one-fourth of 1 per cent annually thereafter. This would permit one bank which originally went into the plan within sixty days after the act took effect, with \$100,000 deposits to get the same benefit year after year thereafter, though its deposits increased to a million dollars, as would another bank which originally

went into the plan with \$100,000 deposits, whose deposits might thereafter decrease to \$50,000 so far as the original payment is concerned.

Again, Section 6 of the act provides that banks hereafter incorporated shall pay into the guaranty fund 2 per cent of the amount of their capital stock, "which shall constitute a credit fund subject to the adjustment on the basis of their deposits, as provided for other banks now existing at the end of one year." It is not clear whether this means at the end of the year they shall pay 1 per cent of their annual deposits or one-fourth of 1 per cent or $1\frac{1}{4}$ per cent into the guaranty fund.

Again, Section 4 of the act provides that all banks in existence at the time the act takes effect shall pay into the fund 1 per cent of its daily average

non-interest-bearing deposits for the preceding year, at least one-fourth of the 450 State banks now in existence will not have been in business one year preceding the time this act takes effect, and no provision is made for all of these cases. There have been about 100 State banks formed within the past four months.

I attach hereto, to illustrate my objections, a table showing the number of national banks in Texas each year from 1866 to 1906, inclusive; the number closed, claims proven, dividends paid, and losses to depositors in each bank closed; the total deposits in all national banks in the State for each year, and the ratio of losses to depositors to amount of total deposits for each year.

HARPER.

Table Showing the Number of National Banks in Texas; the National Banks Closed, the Claims Proven, Dividends Paid, Percentage of Dividends Paid, and Loss to Depositors in Each National Bank Closed; the Total Deposits in all National Banks, and the Ratio of Loss to Depositors to Total Deposits for Forty-one Years, From 1846 to 1906, Inclusive.

	Year.	Number of banks in State.	Banks closed.	Claims proved.	Dividends paid.	Dividends per cent.	Total loss paid to depositors.	Total deposits.	Percentage of loss to depositors.
	1846	4						626,000	
	1847	4						485,000	
	1848	4						634,000	
	1849	4						562,000	
	1850	4						617,000	
	1851	5						1,006,000	
	1852	5						806,000	
	1853	7						1,044,000	
	1854	9						1,038,000	
	1855	10						1,081,000	
	1856	10						1,174,000	
	1857	12						1,413,000	
	1858	11						1,516,000	.03
	1859	11	1	\$ 77,104	\$ 20,377	38.10	\$ 47,727	1,694,000	
	1860	13						2,081,000	
	1861	13						2,081,000	
	1862	21						5,467,000	
	1863	43						5,003,000	
	1864	48						9,122,000	
	1865	74						11,947,000	
	1866	91	1	82,156	86,442	100.00		13,710,000	
	1867	100						15,786,000	
	1868	127						21,452,000	
	1869	206	2					30,450,000	
	1870	206						36,072,000	.0037
	1871	223						32,085,000	.0014
	1872	222	6					25,746,000	
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City National Bank, Fort Worth	1896	207	491,071	198,578	40.00	292,466	30,553.000	.0033
First National Bank, Dublin			1,938	4,617	100.00			
National Bank of Jefferson, Jefferson			187,778	180,122	98.90	7,656		
City National Bank, Tex.			198,471	48,433	30.00	150,038		
First National Bank, Tyler			407,892	155,636	50.00	252,256		
Citizens National Bank, San Angelo			43,524	37,642	91.00	5,882	34,872.000	.0125
City National Bank, Gatesville	1897	201	12,363	13,535	100.00		37,883.000	
	1898	196					44,266.000	
	1899	199					49,749.000	
	1900	223					74,806.000	
First National Bank, Austin	1901	284					74,042.000	
	1902	339						
Citizens National Bank, Beaumont	1903	369	277,116	257,688	93.00	19,428	71,382.000	.0013
Groesbeck National, Groesbeck			119,216	48,271	55.00	70,945	87,537.000	.000009
Citizens National Bank, McGregor			61,068	60,231	98.60	1,837		
American National Bank, Abilene	1904	414	171,017	83,230	50.00	87,787	101,285.000	.0009
First National Bank, Nederland	1905	440	6,780	3,390	50.00	3,390	116,331.000	.00034
First National Bank, West	1906	453	86,543	43,097	50.00	43,446		
Totals			\$ 3,214,749	\$ 1,812,625		\$ 1,308,473		

Average annual deposit, 1896-1906, \$24,709,098.

Average annual loss to depositors, 1896-1906, \$31,857.

Average annual loss per cent to depositors, 1896-1906, .0013.

I vote for the Mayfield amendment because I think the banking board should be composed of business men instead of politicians. Furthermore, the inclusion of the Lieutenant Governor as a member of this board, if not contrary to the Constitution, at least violates the wise policy of the Constitution in providing a presiding officer for the Senate who has no executive duties to perform, and is an improper intermingling of executive and legislative duties in the same officer contrary to the spirit if not the letter of the Constitution. It would be most unwise, improper and impolitic for a member of the banking board to be presiding over the Senate.

COFER.

HOUSE BILL NO. 17—FREE CONFERENCE COMMITTEE ON.

Senator Alexander here called up the request of the House (See House message of yesterday for request) for a Free Conference Committee on House bill No. 17, and moved that the request be granted.

The motion prevailed, and the Chair, Lieutenant Governor Davidson, appointed the following as the Free Conference Committee: Senators Alexander, Harper, Terrell of Bowie, Weinert, Willacy.

SENATE BILL NO. 35.

The Chair laid before the Senate on second reading and regular order,

Senate bill No. 35, A bill to be entitled "An Act amending Section 8 of an act passed at the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature and by Chapter 106 of the General Laws of the Twenty-ninth Legislature, and declaring an emergency.'"

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its

third reading and final passage by the following vote:

Yeas—21.

Adams.
Alexander.
Brachfield.
Cofer.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Murray.

Paulus.
Peeler.
Perkins.
Senter.
Terrell of Bowie.
Thomas.
Veale.
Ward.
Watson.
Weinert.

Absent.

Bryan.
Greer.
Harper.
Mayfield.
Meachum.

Real.
Stokes.
Sturgeon.
Terrell of McLennan.
Willacy.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.

Murray.
Paulus.
Peeler.
Perkins.
Senter.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Weinert.

Absent.

Greer.
Mayfield.
Meachum.
Real.

Stokes.
Sturgeon.
Thomas.
Willacy.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Hayter, the Senate, at 6:30 o'clock, adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 28, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 14, A bill to be entitled "An Act to grant a new charter to the city of Amarillo, Potter county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and we beg to report it back to the Senate, with the recommendation that it do pass and be not printed.

Senter, Chairman; Cofer, Hume, Terrell of McLennan, Willacy, Masterson, Holsey.

Committee Room,

Austin, Texas, April 28, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof;' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties

of commissioners, clerks and comptroller, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, April 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 38, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such and providing for their compensation as such road commissioners, and providing for the working of county convicts upon public roads of said county, and the fees of officers in such cases, and providing for the amount of time overseers shall allow road hands for their teams and road work, and providing for the payment of \$5.00 in lieu of road service; and providing for the working of delinquent poll tax payers on the public roads; providing for condemnation of land for public road purposes; and providing, further, making this law cumulative of the General Laws, and in case of a conflict this act to govern as to Wood county, Texas, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 30, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.

Masterson.
Mayfield.
Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Terrell of McLennan.
Thomas.
Veale.

Ward.
Watson.

Weinert.
Willacy.

Absent.

Bryan.
Meachum.
Real.

Sturgeon.
Terrell of Bowie.

Prayer by Rev. Bell of McKinney.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Hudspeth for yesterday, on motion of Senator Perkins.

Senator Perkins for Tuesday, Wednesday and Thursday, on motion of Senator Hudspeth.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 37, A bill to be entitled "An Act to amend Section 7, Chapter 55, page 509, Special Laws of the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1906, entitled 'An Act creating and incorporating the Lubbock Independent School District, in Lubbock County, Texas; defining its boundaries and providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect a tax, not exceeding one-half of one per cent on a hundred dollar valuation of all property in said district, and providing for an emergency.'"

Senate bill No. 34, A bill to be entitled "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; em-

powering the judge of the Fifteenth Judicial District to empanel the grand jury of Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may impanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency," with amendments.

House bill No. 61, A bill to be entitled "An Act to amend Subdivision 21, Article 642 of the Revised Civil Statutes of the State of Texas, adopted in 1895, as amended by an act of the Twenty-eighth Legislature, Chapter 44, page 62, entitled 'An Act to amend Subdivision 21 of Article 642 of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring with power to maintain and operate street railways and suburban or belt lines of railways within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities,' so as to authorize corporations organized under said subdivision of said act to use electricity, steam or other motive power, and to confer upon such corporation the right of eminent domain; providing that such railways shall not be subject to the control of the Railroad Commission, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read, the following

House bill (see above House Message for caption of):

House bill No. 61, referred to Committee on Internal Improvements.

SIMPLE RESOLUTION.

By Senator Harper:

Whereas, The Senate on yesterday passed the Alexander-Terrell guarantee bill, and there is no necessity to print any other guarantee bill; therefore, be it

Resolved, That the Meachum-Greer-Mayfield-Sturgeon-Senter-Hume and Holsey bills and all other guarantee bills be withdrawn from the printer, and the Sergeant-at-Arms is instructed to notify the printer.

The resolution was read and adopted. Morning call concluded.

HOUSE BILL NO. 14.

The Chair laid before the Senate on second reading and regular order,

House bill No. 14, A bill to be entitled "An Act to grant a new charter to the city of Amarillo, Potter county, Texas, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Veale offered the following amendment, which was read and adopted:

Amend the bill by adding after the last line in Article 5, Section 4 of the bill, the following:

"Provided, that nothing in this act shall conflict with any law that has been passed or that may hereafter be passed, incorporating or enabling the incorporation of an independent school district within the city of Amarillo and the territory adjacent thereto."

Senator Veale offered the following amendment, which was read and adopted:

Amend the bill by adding after the last word of Section 18 of the bill, on page 17 thereof the following:

"And to require steam railroads within the city limits to erect overhead crossings or viaducts across streets and alleys of said city when deemed necessary."

Bill read second time, and ordered engrossed.

On motion of Senator Veale, the con-

stitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Kellie.
Mayfield.
Murray.

Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Terrell of Bowie.
Thomas.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Bryan.
Hume.
Masterson.
Meachum.

Real.
Sturgeon.
Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Kellie.
Mayfield.
Murray.

Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Terrell of Bowie.
Thomas.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Bryan.
Hume.
Masterson.
Meachum.

Real.
Sturgeon.
Terrell of McLennan.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 34 — HOUSE AMENDMENTS CONCURRED IN.

Senator Cofer called up

Senate bill No. 34, A bill to be entitled "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create

the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court of each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 34, page 5, line 27, by striking out the word "indicated" and substituting the word "enacted."

The motion to concur prevailed by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Cofe.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Brachfield.	Meachum.
Bryan.	Real.
Hume.	Sturgeon.
Masterson.	

SENATE BILL NO. 14.

The Chair laid before the Senate, on second reading,

Senate bill No. 14, A bill to be entitled "An Act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation, and the establishing of a State Banking Board, and the creation of a guaranty fund under the supervision thereof."

On motion of Senator Kellie, the bill was laid on the table subject to call.

RECESS.

On motion of Senator Weinert, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Murray.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 30, 1909.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation thereon the following subjects:

1. Legislation creating the North Zulch Independent School District in Madison county, Texas; and such legislation with respect thereto as may be deemed necessary.

2. Legislation authorizing incorporated towns, cities and villages in the State of Texas to construct permanent street improvements; and to provide by adequate laws for the collection of funds with which to make such street improvements; and such other legislation on this subject as the Legislature may deem appropriate and necessary.

3. Legislation extending the time for the redemption of land sold for taxes.

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By unanimous consent, after the conclusion of the morning call, and referred by Senator Hume, who was presiding.)

By Senators Sturgeon and Harper:

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated

towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property, and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement of the collection of such assessments, and to provide for the submission hereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Holsey:

Senate bill No. 40, A bill to be entitled "An Act providing for the examination of banking corporations created by the Acts of the Legislature of this State, or under any general law, prior to the adoption of the Constitution of this State in 1876, and requiring such banking corporations to make and publish reports of their condition, and providing penalties for violation of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Alexander:

Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

House bill No. 17, A bill to be entitled "An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates, and declaring an emergency,"

Beg to report that we have had the same under consideration, and have adjusted the differences between the two houses, and report the same back with the following recommendations:

1. That the Senate recede from the following amendment:

"Amend Section 124 by striking out the word 'nine' and insert in lieu thereof the word 'eight.'"

2. That the House accept all other Senate amendments.

Respectfully submitted,
ALEXANDER,
WILLACY,
TERRELL of Bowie,
HARPER,
WEINERT,

On the part of the Senate.
MAXWELL,
BOWMAN,
DAVIS,
HARMAN,
TARVER,

On the part of the House.
The above report was read, and adopted by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Willacy.

Nays—3.

Brachfield.	Watson.
Hume.	

Absent.

Masterson.	Sturgeon.
Paulus.	Terrell of McLennan.
Real.	Weinert.

SIMPLE RESOLUTION.

By Senator Meachum:

Resolved, That the Committee on Contingent Expenses of the Senate are hereby authorized to pay to Senator Brachfield and Senator Willacy the expense incurred account of railway fare from Austin to the A. and M. College and return, amounting to \$6.60 each, on account of inspection of said college.

MEACHUM,
HUDSPETH.

The resolution was read and adopted.

SENATE BILL NO. 26.

The Chair laid before the Senate, on second reading,

Senate bill No. 26, A bill to be entitled "An Act to require each corporation

the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court of each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 34, page 5, line 27, by striking out the word "indicated" and substituting the word "enacted."

The motion to concur prevailed by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Brachfield.	Meachum.
Bryan.	Real.
Hume.	Sturgeon.
Masterson.	

SENATE BILL NO. 14.

The Chair laid before the Senate, on second reading,

Senate bill No. 14, A bill to be entitled "An Act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation, and the establishing of a State Banking Board, and the creation of a guaranty fund under the supervision thereof."

On motion of Senator Kellie, the bill was laid on the table subject to call.

RECESS.

On motion of Senator Weinert, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Murray.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 30, 1909.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation thereon the following subjects:

1. Legislation creating the North Zulch Independent School District in Madison county, Texas; and such legislation with respect thereto as may be deemed necessary.

2. Legislation authorizing incorporated towns, cities and villages in the State of Texas to construct permanent street improvements; and to provide by adequate laws for the collection of funds with which to make such street improvements; and such other legislation on this subject as the Legislature may deem appropriate and necessary.

3. Legislation extending the time for the redemption of land sold for taxes.

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By unanimous consent, after the conclusion of the morning call, and referred by Senator Hume, who was presiding.)

By Senators Sturgeon and Harper:

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated

towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property, and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement of the collection of such assessments, and to provide for the submission hereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Holsey:

Senate bill No. 40, A bill to be entitled "An Act providing for the examination of banking corporations created by the Acts of the Legislature of this State, or under any general law, prior to the adoption of the Constitution of this State in 1876, and requiring such banking corporations to make and publish reports of their condition, and providing penalties for violation of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Alexander:

Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

House bill No. 17, A bill to be entitled "An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates, and declaring an emergency,"

Beg to report that we have had the same under consideration, and have adjusted the differences between the two houses, and report the same back with the following recommendations:

1. That the Senate recede from the following amendment:

"Amend Section 124 by striking out the word 'nine' and insert in lieu thereof the word 'eight.'"

2. That the House accept all other Senate amendments.

Respectfully submitted,
ALEXANDER,
WILLACY,
TERRELL of Bowie,
HARPER,
WEINERT,

On the part of the Senate.
MAXWELL,
BOWMAN,
DAVIS,
HARMAN,
TARVER,

On the part of the House.
The above report was read, and adopted by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Willacy.

Nays—3.

Brachfield.	Watson.
Hume.	

Absent.

Masterson.	Sturgeon.
Paulus.	Terrell of McLennan.
Real.	Weinert.

SIMPLE RESOLUTION.

By Senator Meachum:

Resolved, That the Committee on Contingent Expenses of the Senate are hereby authorized to pay to Senator Brachfield and Senator Willacy the expense incurred account of railway fare from Austin to the A. and M. College and return, amounting to \$6.60 each, on account of inspection of said college.

MEACHUM,
HUDSPETH.

The resolution was read and adopted.

SENATE BILL NO. 26.

The Chair laid before the Senate, on second reading,

Senate bill No. 26, A bill to be entitled "An Act to require each corporation

organized under the laws of this State to do a banking business," etc.

On motion of Senator Harper, the bill was laid on the table subject to call.

SENATE BILL NO. 28.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

Senator Watson offered the following amendment, which was read and adopted:

Amend by striking out Section 6 and insert the following:

"Section 6. If any life insurance company doing business under the laws of this State has written or assumed risks that are substandard or extra hazardous and has charged therefor more than its published rates of premium the Commissioner of Insurance and Banking shall, in valuing such policies, compute and charge such extra reserves thereon as is warranted by reason of the extra hazard assumed and the extra premium charged."

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "State" in line 23, page 5, the following:

"Or a company having permission to do business in this State."

HARPER,
HUDSPETH,
WATSON.

Bill read second time, and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams. Brachfield.
Alexander. Bryan.

Cofer.	Peeler.
Greer.	Perkins.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Masterson.	Sturgeon.
Real.	Weinert.

The bill was read third time and passed by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—1.

Holsey.

Absent.

Brachfield.	Real.
Hudspeth.	Sturgeon.
Masterson.	Weinert.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 32.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 32, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banking corporations, and providing for the better securing of depositors of such corporations; providing for and defining bond security banks; and providing for and defining guaranty fund banks; and providing that all banking corporations hereafter formed shall avail their depositors of the protection provided

for by this act either for bond security banks or guaranty fund banks at their option; and that all banks heretofore incorporated and all banks incorporated prior to the adoption of the constitution of 1870 and all National banks transacting business in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act either as bond security banks or guaranty fund banks; amending Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking, and creating the State Banking Board and prescribing its powers and duties, and providing for penalties for the violation of this act, and declaring an emergency."

On motion of Senator Watson, the bill was laid on the table, subject to call.

SENATE BILL NO. 36.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 36, A bill to be entitled "An Act to provide for the securing of deposits in banks and in trust companies; creating a State Banking Board; defining its powers and duties; permitting said banking board to create a security fund for the purpose of securing depositors; placing said fund under the control, management and supervision of said board, and fixing the conditions and terms by which State banks and trust companies shall avail their depositors of the benefits of said fund; fixing the premiums to be paid for the creation of said depositors' security fund and the manner and time of the payment of such security fund as herein provided; authorizing certain advertising privileges to such banks and trust companies that avail themselves of the provisions of this act; creating the depositors' security fund and prescribing the duties of said banking board and providing a penalty for violations of this act, also providing for the securing of deposits in banks and trust companies by filing a bond with the Commissioner of Banking and providing that all State banks and trust companies organized, or hereafter to be organized, shall avail their depositors of

the protection provided for this act, making it elective for the State banks and trust companies to secure their depositors by availing themselves of the depositors' security fund, or by filing the bond as provided in this act, and providing that all National banks in this State may, if they desire, at their option voluntarily avail their depositors of the protection afforded by this act; and providing penalties for the violation of any of the provisions of this act."

On motion of Senator Terrell of Bowie, the bill was laid on the table subject to call.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did sign in the presence of the Senate, after its caption had been read, the following bill:

Senate bill No. 27, "An Act to amend an act creating an independent school district to be known as Corpus Christi Independent School District," etc.

The following bills were signed by President Pro Tem. Murray:

Senate bill No. 34, "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District to empanel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a

grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth District, and declaring an emergency."

Senate bill No. 37, A bill to be entitled "An Act to amend Section —, Chapter 55, page 509, Special Laws of the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1907, entitled 'An Act creating and incorporating Lubbock Independent School District, in Lubbock county, Texas,'" etc.

ADJOURNMENT.

Senator Terrell of Bowie moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Senator Peeler moved, as a substitute, that the Senate adjourn until Monday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until Monday morning was lost by the following vote:

Yeas—9.

Adams.	Peeler.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Watson.
Murray.	

Nays—16.

Alexander.	Paulus.
Bryan.	Perkins.
Cofer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Mayfield.	Ward.
Meachum.	Willacy.

Absent.

Brachfield.	Real.
Greer.	Sturgeon.
Masterson.	Weinert.

Action recurred on the motion to adjourn until tomorrow morning at 10 o'clock, and the same was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 19, A bill to be entitled

"An Act relating to the election, qualification and duties of the Commissioner of the General Land Office and his employes; providing a complete system of accounting, bookkeeping and auditing such accounts; prescribing rules and methods for the collection of fees, and keeping land accounts and collecting principal and interest on lands sold; providing system of accounting with the State Treasurer and the Comptroller of Public Accounts; providing for a general revision of the laws relating to the General Land Office."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Senate substitute bill No. 19 hereto attached be substituted in lieu thereof, and recommend that it do pass.

STOKES, Acting Chairman.

Senate Committee Substitute Bill No. 19.

A BILL

To Be Entitled

An Act to regulate the manner and form of making payment to the State for public lands; to define the duties of the Commissioner of the General Land Office, the State Treasurer and the Comptroller of Public Accounts in respect thereto; also to require all accounts with purchasers of such lands to be transferred to and kept in the General Land Office; to adopt a filing system for the General Land Office, and to make an appropriation for equipping said office for the purpose of putting into effect the provisions of this act, and to repeal Article 4046, Revised Civil Statutes of 1895, and all other laws and parts of laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Applicants to purchase land belonging to the Public Free School, the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum and the Orphan Asylum funds and other public land shall transmit with their applications the required first payment in the form of money or remittance collectible on demand, in Austin, and convertible at par into money on the order of the State Treasurer, without liability; provided, that should a remittance be made payable to the Commissioner of the General Land Office, such payment shall not be invalid for that reason, but the Commissioner shall endorse it to the State

Treasurer without incurring liability and the same shall be treated as if payable to the Treasurer. If the payment is not made as required in this section the application shall be void.

Sec. 2. When an envelope enclosing an application to purchase land is opened and the remittance for the first payment is in the General Land Office the Commissioner shall cause such remittance to be listed in triplicate daily, and in such form as to show the purpose and amount of each remittance, the name and address of the applicant, and transmit the remittance and two of the lists to the Treasurer. In receipt thereof the Treasurer shall check the remittance with the list and if found to be correct he shall receipt one of the lists and return it to the Commissioner and retain the other list, and thereupon the Commissioner shall deliver the third list retained by him to the Comptroller of Public Accounts. The Treasurer shall at once collect all collectible remittances, and report to the Commissioner and Comptroller all remittances not collectible in Austin. The items not collected shall be returned to the Commissioner. The application for which such remittances were made shall be void. All first payments thus collected by the Treasurer shall be retained by him until he receives notice from the Commissioner of the final disposition of the applications to purchase and thereupon he shall at once return to each applicant the amount shown to have been paid on his rejected applications. A duplicate of the notice to the Treasurer of accepted and rejected applications and the amount of first payment shall be transmitted to the Comptroller. On the last working day of each month the Treasurer shall deposit in the Treasury to the credit of the proper fund the sum collected by him on accepted applications during that month.

Sec. 3. Notices of award shall be prepared and issued by the Commissioner, and shall be appropriately numbered, and shall be so worded as to constitute a receipt for first payment, when signed as such by the Commissioner. Books shall be prepared containing two copies of the notice of award and a suitable number of coupons to be used by the applicant in making subsequent payments on the land. Notice of award shall be prepared in duplicate, one to be detached from the book, and retained in the Land Office, the other, with the coupons attached, to be sent to the applicant.

The coupons in each book shall be prepared, in duplicate, each of which

shall be numbered with the same number as that on the notice of award. The form of the coupons shall be so prepared as to be used for, and shall be used by the remitter, in making all subsequent payments on the land, the original to be so worded as to be used as a receipt for remittances, when signed as such by the Commissioner. The remitter shall describe each tract of land on which he is making remittances by properly filling in the blanks on both the original and duplicate coupon, and shall enter in the proper blanks, the amount remitted as interest, and the amount remitted as principal, and both the original and duplicate shall be mailed to the Commissioner with the remittance. The Commissioner shall likewise furnish former purchasers with similar coupon books, without notice of award, which coupons shall be used by them in the same manner as herein provided when making remittances for interest or principal or both.

Sec. 4. All accounts with purchasers and lessees of the lands mentioned in this act, and University land shall hereafter be kept in the General Land Office. All books, furniture, fixtures and equipments pertaining to land accounts which are now kept in the State Treasury, so far as suitable and necessary shall be transferred to the General Land Office on or before the taking effect of this act. All payments on account of interest, lease rentals or the balance of principal due on lands treated of in this act shall be transmitted to the Commissioner of the General Land Office, and shall be payable to the State Treasurer and be in form the same as is herein required for first payments and subject to the same rules for collection as are remittances for first payments. A remittance payable to the Commissioner of the General Land Office shall not be invalid for that reason, but he shall endorse it to the Treasurer without incurring liability. Immediately on receipt thereof, the Commissioner shall list in triplicate separate from first payments, all money and other forms of remittances received for the purpose stated in this section and in such form as to show the amount of each remittance, the name and address of the remitter, and the probable fund to which the remittance should be deposited. The remittances and two of the lists aforesaid shall be remitted to the Treasurer.

On receipt thereof the Treasurer shall check the remittances with the list and

if found to be correct he shall receipt one of the lists and return it to the Commissioner and retain the other list, and thereupon the Commissioner shall deliver the third list retained by him to the Comptroller. The Treasurer shall at once collect all collectible remittances and report to the Commissioner and Comptroller all remittances not collectible in Austin. The items not collected shall be returned to the Commissioner. On the last working day of each month the Treasurer shall deposit into the Treasury to the credit of the proper fund, 80 per cent of all collections upon the lists received from the Commissioner which have come into his hands during that month, holding the remaining 20 per cent therefor under a deposit receipt to be issued therefor by the Comptroller. On the first day of September of each year after the taking effect of this act and at such other times as may be practicable when requested by the State Board of Education, the Commissioner shall determine definitely the fund to which former remittances made by him to the Treasurer should have been deposited, and so advise the Treasurer and Comptroller, whereupon the Treasurer and Comptroller shall adjust all accounts in accordance therewith.

The Commissioner shall furnish all available data to the State Board of Education when requested to do so by said board. The Commissioner, Treasurer, and Comptroller shall each keep an account with each fund mentioned in this act according to the lists and notices given and received by them.

Sec. 5. Persons making payments of interest, principal or lease rental on land shall give the name of the original purchaser or lessee and sufficiently designate the land. All lists and notices provided in this act to be given by the Commissioner to the Treasurer and Comptroller shall be retained in each of those departments as permanent records thereof.

Sec. 6. When the General Land Office shall be equipped with sufficient fixtures and helpful aids the Commissioner shall adopt the most convenient method for filing papers and preserving the records of said office; provided, a list of all papers in each file shall be retained in the file and each employee who files a paper shall place his own name thereon.

Sec. 7. For the purpose of arranging the General Land Office and equipping it with such fixtures, furniture and helpful aids as may be necessary for the pro-

tection of the archives, titles, land notes and other records, books and documents therein, and the promotion of efficiency in the public service and the reduction of the ultimate expenditure of public money, there is hereby appropriated the sum of fifteen thousand dollars or so much thereof as may be necessary out of the general revenue not otherwise appropriated.

Sec. 8. Article 4046, Revised Civil Statutes of 1895, and all other laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 9. This act shall take effect on the first day of September, 1909, provided the arrangement and equipment necessary to carry into effect the purpose of this act may be contracted for by the Commissioner of the General Land Office, the Comptroller of Public Accounts, and the Secretary of State, under sealed proposals, prior to said date.

Sec. 10. The importance of the legislation proposed and the probable early adjournment of the present session rendering it improbable that this bill can be read on three several days in each house, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is so suspended, and this act shall take effect from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

House bill No. 61, A bill to be entitled "An Act to amend Subdivision 21, Article 642 of the Revised Civil Statutes of the State of Texas, adopted in 1895, as amended by an act of the Twenty-eighth Legislature, Chapter 44, page 62, entitled 'An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring with power to maintain and operate street railways and suburban or belt lines or railways within and near cities and towns which use electric power, shall be authorized to supply and sell electric light and power to the public and to municipalities,'

so as to authorize corporations organized under said Subdivision of said act to use electricity, steam or other motive power, and to confer upon such corporation the right of eminent domain; providing that such railways shall not be subject to the control of the Railroad Commission, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass with the following committee amendment, and be not printed:

Amend the bill by adding the following words at the end of Section 1:

"All rights, privileges and powers conferred by this act upon interurban electric railway companies shall be cumulative of the rights, powers and authority of every kind and character conferred upon interurban electric railway companies by Chapter 15 of the General Laws passed by the Thirtieth Legislature at its regular session."

Brachfield, Chairman; Mayfield, Terrel of McLennan, Holsey, Senter, Perkins, Meachum, Hume, Bryan.

(Floor Report.)

Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement and collection of such assessments, and to provide for the submission thereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass and be not printed.

Senter, Chairman; Hume, Holsey, Terrell of McLennan, Peeler, Cofer.

Committee Room,
Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund, and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for bonds for securing deposits, and providing that all banking corporations which avail their depositors of the protection provided for by this act either by the depositors' guaranty fund or by bond at their option; providing that all National banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this act; amending Section 44, Chapter 10, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this act, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 27, "An Act to amend an act creating an independent school district to be known as Corpus Christi Independent School District," etc.,

And find it correctly enrolled, and have this day, at 10:10 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, April 30, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, A bill to be entitled "An Act amending Section 8 of an act passed by the First Called Session of

the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

Moody, Texas, April 29, 1909.

Hon. H. B. Terrell, Austin, Texas.

You promised us bank guaranty. We have confidence in you, and expect you to fulfill this promise. The Meachum-Greer bill is our only hope, and it is satisfactory to us. The defeat of it will defeat all legislation. We earnestly pray that you give it your support.

Numerously signed.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, May 1, 1909.

Senate met pursuant to adjournment, President Pro Tem. Murray presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Real.
Masterson.	Sturgeon.
Mayfield.	Weinert.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer. the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

Read first time, and referred to Committee on Public Lands and Land Office. Morning call concluded.

SENATE BILL NO. 39.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement and collection of such assessments, and to provide for the submission thereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency."

On motion of Senator Veale, the bill was laid on the table subject to call.

HOUSE BILL NO. 61.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 61, A bill to be entitled "An Act to amend Subdivision 21, Article 642 of the Revised Civil Statutes of the State of Texas, adopted in 1895, as amended by an act of the Twenty-eighth Legislature, Chapter 44, page 62, entitled 'An Act to amend Subdivision 21 of Article 642 of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring with power to maintain and operate street railways and suburban or belt lines of railways within and near cities and towns which

use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities,' so as to authorize corporations organized under said subdivision of said act to use electricity, steam or other motive power, and to confer upon such corporation the right of eminent domain; providing, that such railways shall not be subject to the control of the Railroad Commission. and declaring an emergency."

The committee report with an amendment, and that the bill be not printed, was read and adopted.

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill by striking out the committee amendment.

Bill read second time, and passed to third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Willacy.
Murray.	

Absent.

Adams.	Real.
Brachfield.	Sturgeon.
Harper.	Terrell of Bowie.
Hume.	Watson.
Masterson.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—21.

Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Willacy.
Murray.	

Absent.

Adams.	Real.
Brachfield.	Sturgeon.
Harper.	Terrell of Bowie.
Hume.	Watson.
Masterson.	Weinert.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

The Senate was here at ease until 11 o'clock and was again called to order by President Pro Tem. Murray.

SENATE BILL NO. 39.

Senator Harper here called up Senate bill No. 39, which was on the table subject to call (see former proceedings of today for caption of).

The committee report, which provided that the bill be not printed, was adopted.

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 12, by adding at the end of said section the following words: "Provided, that in any case in which a conflict may exist or arise between the provisions of this act and the provisions of any law granting a special charter to any city in the State, the provisions of such special charter shall control."

SENTER,
ALEXANDER.

Bill read second time, and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Absent.

Brachfield.	Masterson.
Holsey.	Real.

Sturgeon. Weinert.
Terrell of Bowie.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Willacy.
Meachum.	

Absent.

Brachfield.	Sturgeon.
Holsey.	Terrell of Bowie.
Masterson.	Watson.
Real.	Weinert.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On account of important business:

Senator Weinert for today, on motion of Senator Kellie.

Senator Masterson for today, on motion of Senator Alexander.

ADJOURNMENT.

On motion of Senator Kellie, the Senate adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit

securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

And find the same correctly engrossed.
HAYTER, Acting Chairman.

PETITIONS AND MEMORIALS.

By Senator Perkins:

Wolfe City, Texas, April 30, 1909.

Hon. Tom W. Perkins, Senate, Austin, Texas.

Dear Sir: Citizens of this section censure Senate, Legislature and Campbell account of frequent cold spells, and respectfully request adjournment before it snows.

Signed—N. Fetty, L. A. Dawlen, W. F. Jackson, J. R. Knight, J. D. Harrell, J. W. Motley, J. H. Blocker and twenty others.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, May 3, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Watson.
Masterson.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

Morning call concluded.

SENATE BILL NO. 18.

The Chair laid before the Senate, on second reading and special order for this hour,

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Senator Brachfield offered the following amendment, which was read and adopted:

Amend Senate bill No. 18 by striking out Section 1 thereof and inserting in lieu thereof the following:

"Section 1. Any two or more surety companies authorized to transact business in this State, or their agents therein, may form an association for the purpose of reducing losses, gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, provided that no such association shall be formed except upon condition that it shall, through its proper officers, immediately submit to the Commissioner of Insurance and Banking of this State a schedule of the rates so ascertained and proposed to be established and maintained by such companies; if such Commissioner shall, upon considering such schedule of rates, find that the same are not unreasonable or excessive and do not exceed the rates that are now or may hereafter be established by law for any class of suretyship, and that such rates do not exceed the rates charged by any such surety company anywhere outside of the State of Texas for the same class of risks or risks of substantially the same degree of hazard, he shall approve the same; and if he shall disapprove such schedule of rates, or any portion

thereof, it shall be his duty to fix a schedule of rates which will not be unreasonable or excessive or exceed the rates that are now or may hereafter be established by law for any class of suretyship, and that shall not exceed the rate charged by any such companies outside the State of Texas for the same class of risks or risks of substantially the same degree of hazard. All such rates so ascertained and made, when approved by the Commissioner, or when fixed by him as provided in this section, shall thereafter be maintained by all such companies and their agents; provided, that any such action of the Commissioner of Insurance and Banking shall be subject to review by any court of competent jurisdiction at the suit of any party affected thereby. Any such association, complying with the provisions of this section, may also adopt means to prevent discrimination and rebates on the part of any company represented therein and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, guardians, executors, administrators and other fiduciaries of whatsoever kind, and of others for whom surety companies may become sureties."

Bill read second time, and ordered engrossed.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Senter.
Bryan.	Watson.
Masterson.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Masterson.
Bryan.	Watson.

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On account of sickness in family:

Senator Thomas for balance of this week, on motion of Senator Cofer.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 18, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1909, and ending August 31, 1911, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government ending August 31, 1909, and to pay various miscellaneous claims against the State, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption

had been read, the following House bill (see above House message for caption):

House bill No. 18, referred to Finance Committee.

OPINION OF ATTORNEY GENERAL.

The Chair laid the following communication before the Senate, and directed same to be printed in the Journal:

Attorney General's Department,

Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas.

My Dear Sir: I beg to acknowledge receipt of yours of the 24th in which you request to be advised by this department whether in our opinion the bill which passed the House relating to the completion of the penitentiary railroad and the issuance of certain bonds violates the Constitution of this State.

Inasmuch as the bill, as it passed the House, only authorized the completion of the road to Palestine, a distance of about three miles from its present western terminus, and the issuance of bonds amounting to only \$50,000 in excess of those already issued under and by virtue of an act of the Thirtieth Legislature, I will confine myself to the questions submitted by you in so far as they relate to the bill as passed.

It can not be questioned that the State has the power to maintain a penitentiary system. While the Constitution is silent upon that subject, it is beyond question a necessary function of government, and the Constitution contains no limitation upon the power of the Legislature to establish a penitentiary system for the safe-keeping of convicts, or to establish industrial enterprises for their employment. The maintenance of such industries as would only in a slight degree compete with free labor has been the settled policy of this State for many years, and from time to time the Legislature has made provision for their establishment, notably, the iron industry, the wagon and furniture factory and the provision for the establishment of a cotton twine and bagging factory by the Penitentiary Board at the Regular Session of the present Legislature. The Thirtieth Legislature, in which you had the honor to preside over the Senate, passed a similar bill to the one under consideration (Chapter 74 of the Acts of the Thirtieth Legislature, page 151). The Legislature

clearly expressed the purpose and necessity for the extension of the road as well as the legislative intent in the enactment of the bill, by the language used in the emergency clause which is in part as follows:

"The fact that there now exists no law providing for means for the extension or said State railroad, and the fact that the operation of said State railroad, and the fact that the operation of the Rusk penitentiary will be materially facilitated and cheapened by such extensions and operation of said State railroad, as in this act provided, and the fact that such extension is necessary to protect the timber and mineral resources of said penitentiary, creates an emergency," etc.

The Legislature has therein declared the imperative necessity of such an extension. The extension into the timber and ore lands, and the connection with another trunk line only a few miles distant from which it could receive its fuel for blasting and limestone for fluxing the ore, and also the additional outlet afforded for shipping the products of the penitentiary, are undoubted necessities. The Legislature is the one department of government to pass upon such a necessity, and having done so, it is clear that the absence of constitutional limitation, it has the undoubted power to make the extension to the point where the necessities of the penitentiaries as expressed in the law, requires.

It has been repeatedly held that the presumption is that every State statute, the object and provisions of which are among the acknowledged powers of legislation, is valid and constitutional; and such presumption is not to be overcome unless the contrary is clearly demonstrated.

Sedgwick on Construction Constitutional Law, p. 409.

Fletcher vs. Peck, 6 Cranch, 87.

Ex-parte McCollom, 1 Cowan, 564.

The necessity as declared by the Legislature for the extension through the ore and timber lands to a connection with another line of railroad is undisputed, and has been so affirmatively declared by the Legislature, and there being no constitutional inhibition against it in my opinion, the Legislature clearly has the power to authorize its construction to the extent authorized in the bill as it finally passed the House.

The next question is whether the Legislature has the power to borrow from the permanent school fund \$200,000 to

take up the former to complete the destination at Palestine the Penitentiary bonds to that amount upon the line as security.

There are three considerations which may appear bearing upon this question. One of them prohibits the Legislature from enacting a valid law, then so far as my investigations have extended no constitutional objection can be found that questions the power of the State to provide the necessary funds in the manner prescribed in the bill.

The first constitutional provision I will consider is Section 49 of Article 3, which reads as follows:

"No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrections, defend the State in war, or pay existing debts; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time \$200,000."

The question is, does the bill attempt to create a debt by or on behalf of the State? The well settled rules of construction do not give to the language of the Constitution or of statutes any strained or technical meaning, but they are given the meaning in which the language or words are ordinarily understood. The word "State" as used in the Constitution has two meanings, and is used in both senses in different parts of the Constitution. In one sense it signifies the territory inhabited by the people; in the other it means the body politic inhabiting the territory. It is in the second sense that it is used in the above provision of the Constitution. Our Supreme Court and the Supreme Court of the United States in the case of Texas vs. White have held that a State in the ordinary sense of the Constitution is—

"A political community of free citizens occupying a territory of defined boundaries and organized under a government, sanctioned and limited by a written constitution, and established by the consent of the governed."

Texas vs. White, 74 U. S., 700.

State vs. White, 25 Texas, 463, 595.

Again the courts of this State say:

"A State is a political community organized under a distinct government, recognized and conformed to by the peo-

ne as supreme; a commonwealth; a nation."

O'Connor vs. State, 71 S. W. R., 409.

An attribute of a State is sovereignty. Its law, as a general rule, is supreme within its territory. It is a political corporate body, can act only through agents, and can only command by laws. It is, in the language of Vattel, "a moral person, having an understanding and a will, capable of possessing and acquiring rights and of directing and fulfilling obligations."

Republic of Mexico vs. De Arangoiz, 12 N. Y. Sup. Ct., 634.

The State is invested with full powers over all matters within the function of government not expressly inhibited by the Constitution. In such a capacity it owns its penitentiary system, its ore and timber lands to supply the raw material for the industries established to furnish employment for the convicts under its charge. It owns the general revenue raised for the support of the government. It owns the permanent funds created for the endowment of her schools and has clothed the Legislature with the power to invest said funds in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

Constitution, Section 4, Article 7.

Owning as it does the property of the penitentiary, including the ore and timber lands adjacent thereto, also the railroad penetrating them, and owning the revenue arising from its operation; owning, as sovereign, the general revenues of the State and the permanent school fund which it uses for investment only, can it be said that the action of using temporarily a small sum, properly secured, of one of its own funds, will have the effect of creating a debt against the State, or itself, within the meaning of Section 49, Article 3, of the Constitution? Would not the transaction be in the nature of any individual who kept his funds in separate accounts, his funds for groceries in one account, for dry goods, for medicine, for house rent in other accounts, and should draw upon his grocery fund to relieve another necessity temporarily and placed the due bill of the dry goods account as security in the grocery fund, would be thereby creating a debt against himself, especially when he owned it all? The word

"debt" according to Webster "is that which is due from one person to another person, whether money, goods or services. That which one person is bound to pay another person (not that which a person owes to himself, or that which he is bound to pay himself)."

Cook vs. Bartholomew, 13 L. R. A., 452.

A debt is that which one is bound to pay to another.

Lovejoy vs. Inhabitants of Foxcroft, 91 Me., 367.

A debt is a certain sum that is owing from one person to another.

Little vs. Dryer, 138 Ill., 272.

Anthony vs. Savage, 3 Pac., 546.

Appeal Tax Court vs. Rice, 50 Md., 302.

A debt is created when one person binds himself to pay money to another.

Scott vs. City of Davenport, 34 Iowa, 208.

A debt, as defined by the Century Dictionary, is that which is due from one person to another, whether money, goods or services.

State vs. Georgia Co., 19 L. R. A., 485.

A debt is defined to be in its general sense a specific sum of money which is due or owing from one person to another, and denotes not only the obligation of the debtor to pay, but the right of the creditor to receive and enforce payment.

Campbell vs. City of Indianapolis, 155 Ind., 186.

Neither the Penitentiary Board, nor the State Board of Education, which has charge of the investment of the school funds, are separate corporate bodies with powers or functions inherently their own, but both are agencies of one and the same entity or person, namely, of the State, and when the State, in the administration of its own property, causes one agency to transfer temporarily to another of its own agencies, it is not creating a debt against itself within the meaning of that word as defined by the courts and standard dictionaries. It owes no obligation to any other person, and no other person can sue on the obligation because in its true sense the State has merely used its own and promises itself that it will return to a certain fund owned by itself the funds it desires to use temporarily. Such a transaction is in no sense creating a debt by or on behalf of the State, for no other person is involved in the transaction but itself. The State would

have no authority to issue or sell bonds to any other person, except in such cases as authorized by Section 49, Article 3, of the Constitution.

If the bonds authorized by the bill were sold to an individual, bank, or any other person or association, it would then become a debt against the State, a claim or obligation due from the State to another person; but until such was accomplished it would not create a debt against the State. The exact point was passed upon by the Court of Civil Appeals of this State in the case of the City of Austin vs. Valle, 71 S. W. R., 414, in which case the Supreme Court refused a writ of error.

The court used the following language:

"When is a debt 'created, and when are bonds issued' within the meaning of these provisions? If the debt is created when the people by an election consent that the council may issue the bonds, or if it is created, when the council by ordinance provides for the issue of the bonds, or even when the bonds have been prepared, signed and sealed, but not sold or delivered, then the appellant is right in its contention, and the issue was excessive. But we do not believe that the constitution or the charter admits of such a construction. Neither the election or the ordinance providing for the issue of the bonds, nor the preparation, signing and sealing of the bonds, created any obligation against the city, all this might have been done and yet if the bonds had not been sold or delivered to a purchaser, the city would have owed nothing. Certainly no debt would have been created; neither do we think that the bonds could be said to have been issued until they passed into the hands of some one who claimed them as a debt against the city."

So long as the bonds are in the hands of the State they cannot become a debt against the State. Moreover, to say that the State cannot under proper restriction use funds of its own to carry on its own enterprises through its own instrumentalities, is to deny its sovereignty and its power to provide for its own necessities, admittedly within its own functions of sovereignty.

The next question is whether the permanent school fund can be invested in the bonds which the State issues to itself. No one who has seriously examined the subject will question the power of the Legislature to appropriate such a sum out of the general revenue of the State, especially after the necessity

of the project has been declared by the Legislature and in view of the fact that the appropriation is for a proper object of governmental administration in a matter clearly within the functions of government.

The Constitution, Section 4, Article 7, provides * * * "The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments."

In the first place the bonds authorized by the bill seem to be "State bonds." They are bonds authorized by the State, through its Legislature, to be issued by one of the agencies of the State to secure funds for a project owned and entirely controlled by the State. They will, therefore, come within the definition of that class of bonds which the Constitution expressly authorizes the funds to be invested in. In fact, it is my understanding that the permanent school fund owns at this time many bonds issued by the State and that the public debt of the State, evidenced by bonds, are owned by the same fund. But if any doubt should exist whether the bonds provided in this bill are the kind of State bonds alluded to in the Constitution, then another provision in the same section vests in the Legislature the power and discretion to designate such other securities, and when the Legislature does so, as it provides in this bill, the bonds so issued will become a legal security in which the funds may be invested.

The Constitution lodges the power and discretion in the Legislature to designate such other securities, and legislative action will be binding in all cases except in gross abuse of the power and discretion vested. I understand the facts to be that the railroad property which is pledged as a lien to secure the bonds is worth many thousands of dollars more than the money advanced in this bill and that it affords ample security to the school fund for the amount required. Therefore, it cannot be said as a matter of law that the securities are insufficient and that the requirement that they be accepted by the school board would constitute an abuse of legislative power or discretion. The wisdom and policy of constructing said road and the use of said funds for such purpose is not for this department to determine, but be-

longs to the Legislature, but as to your legal powers to construct such a road to meet the necessities of a State institution, I think there is no question.

The remaining section of the Constitution to be considered is Section 7 of Article 8, which provides as follows:

"The Legislature shall not have power to borrow, or in any manner divert from its purpose any special fund that may, or ought to, come into the treasury:
* * *"

This provision uses the words "special fund" which means a fund distinguished from the general fund, or a permanent fund such as the school fund. It has reference to funds raised by taxation or otherwise for a specific function of government or to pay the current obligations arising thereunder. It cannot have reference to a permanent fund like the school fund, which the Constitution in express language authorizes to be invested, and to be invested in bonds of the State, and such other securities as the Legislature may prescribe. If the constitutional provision above quoted included the permanent school fund, then it would be in direct conflict. They must, therefore, be construed in *pari materia*, and, therefore, the last mentioned section is not a limitation upon the power of the Legislature to pass the bill you have under consideration.

The necessity for the extension of the road and the policy of doing so, in order to penetrate the ore and timber lands of the State, and to furnish an outlet for the products of the penitentiary and to furnish additional facilities for securing necessary supplies, is a matter clearly within the power of the State, and is within the functions of the government, against which I find no constitutional inhibition.

Your powers are coextensive with the State's necessities arising in the proper administration of the State's institutions, but go no further. When the necessity ends, your powers fail.

The declaration by the Legislature that the railroad is necessary for the discharge of its governmental functions in maintaining its penitentiaries, is not, however, conclusive upon the courts and the fact as to such necessity is subject to judicial inquiry, but the Legislature is presumed to have acted within its constitutional powers in passing the act in question, and before said act would be held unconstitutional, it must be made to appear that the Legislature has clearly and unreasonably exceeded its legislative power.

In response to your inquiry as to whether the said act contains more than one subject and is in contravention of Article 3, Section 35 of the Constitution, I beg to say that in my opinion the act, as passed by the House, is substantially an act to authorize the completion of the road to Palestine and providing ways and means for the purpose, and that the provision as to ways and means is merely auxiliary to and a necessary part of the object of the bill.

Breen vs. Texas & Pacific Railway, 44 Texas, 305.

Hayes vs. Porter, 20 Texas, 793.

Albrecht vs. State, 8 Criminal Appeals, 216.

Very respectfully,
R. V. DAVIDSON,
Attorney General.

ADJOURNMENT.

On motion of Senator Weinert, the Senate adjourned until 10 o'clock tomorrow.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132, of the Acts of the Twenty-ninth Legislature, so as to permit the owner of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency,"

Have had the same under consideration, and report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

Murray, Chairman; Hayter, Bryan, Kellie, Veale, Harper, Willacy, Huds-peth.

On motion of Senator Murray, that part of the committee report providing that the bill be printed in the Journal was adopted.

Senate Bill No. 41. By Hudspeth.

A BILL

To Be Entitled

An Act to amend Section 1, Chapter 132, of the Acts of the Twenty-ninth Legislature, so as to permit the owner of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1, Chapter 132, of the Acts of the Regular Session of the Twenty-ninth Legislature be amended so that it shall hereafter read as follows:

"Section 1. That the owner or anyone having an interest in lands or lots heretofore sold to the State or any city or town under decree of court in any suit or suits brought for the collection of the taxes thereon, or by a collector of taxes or otherwise, shall have the right within two years from the time this act goes into effect to redeem the same upon the payment of the amount of taxes for which sale was made, together with all costs, penalties and interest now required by law, and also the payment of all taxes, interest, penalties and costs on or against said lands or lots at the time of said redemption.

"And where lands or lots shall hereafter be sold to the State, or to any city or town for taxes under decree of court in any suit or suits brought for the collection of taxes thereon, or by a collector of taxes or otherwise, the owner having an interest in such lands or lots shall have the right to redeem the same within two years after such sale, upon payment of the amount of taxes for which sale was made, together with all costs, penalties and interest now required by law; and also the payment of all the taxes, interest, penalties, costs on or against said land or lots at the time of redemption."

Sec. 2. The fact that the law now requires double the amount of taxes on redemption, thereby depriving the State of quite a large sum of tax money, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property, and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement of the collection of such assessments, and to provide for the submission hereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 34, "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county; and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts, and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District to em-

panel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 37, "An Act to amend Section 7, Chapter 55, page 509, Special Laws of the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1907, entitled 'An Act creating and incorporating Lubbock Independent School District, in Lubbock county,' etc.,

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, May 4, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hume.

Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Harper:

Senate bill No. 42, A bill to be entitled "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, It is absolutely necessary for information in the future regarding different measures upon the guaranty of banks that the speech delivered by the Senator from Dallas on Saturday, April 24, from the floor of the Senate relative to the guaranty of bank deposits be printed in the Journal; therefore, be it

Resolved, That the Senator furnish the Journal Clerk with a copy of this speech, and that the same be printed in the Journal for the information of the members of the Senate.

Hudspeth, Hume, Murray, Kellie, Wilacy, Perkins, Adams, Watson, Peeler, Meachum, Weinert, Real, Terrell of McLennan.

The resolution was read and adopted. (Note.—The speech above provided for appears in tomorrow's Journal.)

INVITATION TO ATTEND BASEBALL GAME.

The Chair had the following read to the Senate:

Austin, Texas, May 4, 1909.

To the Lieutenant Governor and the Members of the Senate:

I take pleasure in hereby extending you an invitation to attend, as our guests, the baseball game between the University and Agricultural and Me-

chanical College on Clark Field this afternoon at 4 o'clock.

BOB HOLLIDAY,
Manager University Baseball Team.

On motion of Senator Peeler, the invitation was accepted.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 4, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 38, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas," etc.

House bill No. 75, A bill to be entitled "An Act creating the North Zulch Independent School District in Madison county, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 75, referred to Committee on Educational Affairs.

SENATE BILL NO. 41.

On motion of Senator Hudspeth, the regular order of business (Senate bill No. 3) was suspended, and the Senate took up, out of its order, Senate bill No. 41, by the following vote:

Yeas—24.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.

Thomas.
Ward.

Weinert.
Willacy.

Nays—1.

Sturgeon.

Absent.

Hume.
Meachum.
Senter.

Terrell of McLennan.
Veale.
Watson.

The Chair laid before the Senate, on second reading,

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature, so as to permit the owner of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Hudspeth.
Kellie.
Masterson.
Mayfield.

Murray.
Paulus.
Peeler.
Perkins.
Real.
Stokes.
Sturgeon.
Terrell of Bowie.
Thomas.
Ward.
Weinert.
Willacy.

Nays—1.

Holsey.

Absent.

Hume.
Meachum.
Senter.

Terrell of McLennan.
Veale.
Watson.

The bill was read third time, and passed by the following vote:

Yeas—20.

Adams.
Alexander.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.

Hudspeth.
Kellie.
Masterson.
Murray.
Paulus.
Peeler.
Perkins.
Terrell of Bowie.

Thomas.
Ward.

Weinert.
Willacy.

Nays—2.

Brachfield.

Mayfield.

Absent.

Hume.
Meachum.
Real.
Senter.
Stokes.

Sturgeon.
Terrell of McLennan.
Veale.
Watson.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 42.

On motion of Senator Harper, the regular order of business (Senate bill No. 3) was suspended, and the Senate took up, out of its order, Senate bill No. 42 (introduced today) by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Kellie.
Masterson.

Mayfield.
Murray.
Paulus.
Peeler.
Perkins.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Ward.
Weinert.
Willacy.

Absent.

Hume.
Meachum.
Real.
Senter.

Stokes.
Sturgeon.
Veale.
Watson.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.

Holsey.
Hudspeth.
Kellie.
Masterson.
Mayfield.
Murray.
Paulus.
Peeler.

Perkins.
Real.
Terrell of Bowie.
Terrell of McLennan.

Thomas.
Ward.
Weinert.

Absent.

Hume.
Meachum.
Senter.
Stokes.

Sturgeon.
Veale.
Watson.
Willacy.

On motion of Senator Harper, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Kellie.
Masterson.
Mayfield.

Murray.
Paulus.
Peeler.
Perkins.
Real.
Senter.
Terrell of Bowie.
Terrell of
McLennan.
Thomas.
Ward.
Weinert.
Willacy.

Absent.

Hume.
Meachum.
Stokes.

Sturgeon.
Veale.
Watson.

The Chair laid before the Senate, on second reading,

Senate bill No. 42, A bill to be entitled "An Act to amend Article 486, Chapter 5, Title 18, of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.

Bryan.
Cofer.
Greer.

Harper.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Ward.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Sturgeon.
Meachum.	Veale.
Stokes.	Watson.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Hume.	Veale.
Meachum.	Watson.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 3.

The Chair laid before the Senate, on third reading and regular order,

Senate bill No. 3, A bill to be entitled "An Act making appropriation for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes."

On motion of Senator Willacy, the bill was laid on the table subject to call.

HOUSE BILL NO. 18.

Senator Willacy called for House bill No. 18, and on his motion the Senate

rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Hume.	Veale.
Meachum.	Watson.

The Chair laid before the Senate, on second reading,

House bill No. 18, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1909, and ending August 31, 1911, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government ending August 31, 1909, and to pay various miscellaneous claims against the State, and declaring an emergency."

On motion of Senator Willacy, the committee report, with amendments, and that the bill be not printed, was adopted.

Senator Willacy moved that the bill be considered by departments, which motion was adopted.

(Senator Brachfield in the chair.)

Executive Office—No amendments.

Mansion and Grounds—No amendments.

State Revenue Agent—No amendments.

Department of State—No amendments.

Treasury Department—No amendments.

School Land Department—No amendments.

Comptroller's Department — No amendments.

Commissioner of Pensions — No amendments.

Attorney General's Department—No amendments.

State Tax Board—No amendments.

General Land Office—No amendments.

School Land Department—No amendments.

State Department of Education—No amendments.

PUBLIC BUILDINGS AND GROUNDS.

Senator Peeler offered the following amendment:

Amend the appropriation bill under the head of Public Buildings and Grounds by adding thereto the following:

"For bitulithic paving the driveways around the State Capitol, aggregating 12,797 square yards, at not exceeding \$2.25 per square yard and amounting to, or so much thereto as may be absolutely necessary for years ending August 31, 1911, \$10,000; August 31, 1912, \$18,793.25."

Peeler, Willacy, Hudspeth, Paulus, Masterson, Kellie, Weinert, Watson, Murray, Hume, Senter, Adams, Harper, Real, Ward, Alexander.

(Senator Stokes in the chair.)

Senator Mayfield offered the following amendment to the amendment:

Amend the amendment by adding the following:

"The Superintendent of Buildings and Grounds may use or select such other material as he thinks best, provided the material selected shall not cost more than \$2.25 per square yard."

Pending discussion, Senator Hume moved the previous question on the amendment, and the amendment to the amendment, which motion being duly seconded, was so ordered.

The amendment to the amendment was adopted by the following vote:

Yeas—21.

Adams.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	

Nays—7.

Cofer.	Thomas.
Hudspeth.	Weinert.
Hume.	Willacy.
Murray.	

Absent.

Alexander.	Veale.
Paulus.	

The amendment as amended was then adopted by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Murray.	

Nays—7.

Brachfield.	Stokes.
Greer.	Sturgeon.
Mayfield.	Thomas.
Meachum.	

Absent.

Veale.

Senator Hume offered the following amendment:

Amend the bill by adding in line 8, page 21, the following:

"For the improvement, maintenance and care of the San Jacinto battlefield \$15,000 \$15,000

"And continuing the unexpired appropriation now on hand for said purposes, providing, that all drafts upon this appropriation shall be made in compliance with the provisions of Chapter 48, Acts of the Thirtieth Legislature, Regular Session, and when said drafts are made out in accordance with the provisions of said act, they shall be paid by the Treasurer of the State out of the appropriation here made.

"Provided, that all drafts upon this appropriation shall be made in compliance with the provisions of Chapter 48, Acts of the Thirtieth Legislature, Regular Session, and when said drafts are made out in accordance with the provisions of this act, they shall be paid

by the Treasurer of the State out of the appropriation here made."
(Lieutenant Governor Davidson in the chair.)

RECESS.

Senator Sturgeon moved that the Senate recess until 3:30 o'clock today, which motion prevailed.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 4, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 17 by the following vote: Yeas, 80; Nays, 18.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RULE SUSPENDED.

Here the Chair stated that a number of students from the Deaf and Dumb Asylum were present and desired to remain, whereupon Senator Hume moved that they be allowed to remain, which motion was adopted by the following vote:

Yeas—21.

Adams.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Thomas.
Hayter.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Meachum.	

Absent.

Alexander.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Mayfield.	Terrell of McLennan.
Paulus.	Veale.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on the amendment by Senator Hume.

Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by striking out "\$15,000" whenever it appears, and insert in lieu thereof the following: "\$7,500."

Pending discussion, Senator Kellie moved the previous question on the amendment to the amendment, and the amendment, which motion being duly seconded, was so ordered.

The amendment to the amendment was lost by the following vote:

Yeas—8.

Brachfield.	Sturgeon.
Greer.	Terrell of Bowie.
Mayfield.	Thomas.
Real.	Ward.

Nays—21.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Senter.
Hayter.	Terrell of
Hudspeth.	McLennan.
Hume.	Veale.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Stokes.	Watson.
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PAIRED.

Senator Holsey (present), who would vote "yea," with Senator Meachum (absent), who would vote "nay."

The amendment was then adopted by the following vote:

Yeas—20.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Weinert.
Masterson.	Willacy.

Nays—7.

Brachfield.	Mayfield.
Greer.	Sturgeon.

Terrell of Bowie. **Ward.**
Thomas.

Absent.

Stokes. **Watson.**

PAIRED.

Senator Holsey (present), who would vote "nay," with Senator Meachum (absent), who would vote "yea."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by adding between lines 7 and 8 on page 21, the following:

"For repairing furniture, curtains, etc., and renovating and refurnishing the Governor's reception room as the Superintendent of Public Buildings and Grounds may determine, \$500."

Senator Hudspeth offered the following amendment:

Amend the bill by striking out in line 4, page 20, as to salary of superintendent "\$1500," and insert in lieu thereof "\$1800" for each year, and providing further that this item cannot be vetoed without vitiating the entire appropriation bill.

Pending.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 61, "An Act to amend Subdivision 21, Article 642 of the Revised Civil Statutes of the State of Texas, adopted in 1895, as amended by an act of the Twenty-eighth Legislature, Chapter 44, page 62, entitled 'An Act to amend Subdivision 21 of Article 642 of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring with power to maintain and operate street railways and suburban or belt lines of railways within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities,' so as to authorize corporations organized under said subdivision of said act to use electricity, steam or other motive power, and to confer upon such corporation the right of eminent domain; providing that such railways shall not be subject to the con-

trol of the Railroad Commission, and declaring an emergency."

House bill No. 17, "An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates, and declaring an emergency."

Senate bill No. 38, "An Act to create a more efficient road system for Wond county, Texas," etc.

ADJOURNMENT.

On motion of Senator Brachfield, the Senate, at 6 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 42, A bill to be entitled "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Holsey, Terrell of McLennan, Cofer, Peeler, Real, Willacy, Hume.

Committee Room,

Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 18, A bill to be entitled "An Act making appropriations for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State Government for the year ending August 31, 1909, and

to pay various miscellaneous claims against the State, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass; with the following amendments:

(1)

Amend by inserting after the word "State," in line — of the caption the following: "Authorizing the payment of said miscellaneous items upon the taking effect of this act."

(2)

Amend by striking out all after the enacting clause and insert the following: "We also recommend that neither the bill nor the amendments be printed in the Journal nor otherwise."

WILLACY, Chairman.

Committee Room,

Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses, arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature, so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 42, A bill to be entitled "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, May 5, 1909

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

SIMPLE RESOLUTION.

By Senator Ward:

Whereas, It has pleased Almighty God, in His infinite love and wisdom, to call from time to eternity Hon. W. H. Getzender; and,

Whereas, His life and has been one of usefulness, he having given part of his young life to the cause of Confederacy, and was a gallant and brave soldier, he having held many prominent positions in his county. He was in the year 1882 elected to the State Senate of the Tenth District composed then, as now, of Ellis, Hill and Johnson counties, and while Senator he was the author and advocate of many measures which he successfully had enacted into laws, which laws have redounded to the benefit and glory of this State and stand a monument to the author; and

Whereas, Texas has lost a true patriot, the church one of its purest and most spotless members; and the people of Ellis county one of its most valued and precious citizens; therefore, be it

Resolved, That this Senate extend to his family its sincere condolence and sympathy for the loss they have sustained and that a copy of these resolutions be spread upon the Journal of the Senate, and that a copy thereof be furnished the bereaved wife.

Ward, Willacy, Veale, Brachfield, Holsey, Hudspeth, Mayfield, Kellie, Harper, Meachum, Watson, Terrell of Bowie, Alexander, Paulus, Murray.

The resolution was read and unanimously adopted, on motion of Senator Ward.

Morning call concluded.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, as unfinished business and which was the general appropriation bill.

The question was on the pending amendment by Senator Hudspeth to the Public Buildings and Grounds Department.

Senator Hudspeth withdrew the amendment, and offered the following amendment to that department:

Amend the bill by striking out line 26, page 20, and insert in lieu thereof the following: "Tools and machinery, \$500, year 1910, \$200 for year 1911."

(President Pro Tem. Murray in the chair.)

Senator Willacy offered the following substitute for the amendment:

Substitute for amendment by adding to item "water, light, fuel and contingencies" the following: "And to purchase machinery."

The substitute for the amendment was adopted, as was also the amendment as substituted.

STATE PURCHASING AGENT.

Senator Weinert offered the following amendment:

Amend the bill, page 21, line 32, by striking out "\$500" where it occurs and insert in lieu thereof "\$800" for each year.

MURRAY,
WEINERT.

On motion of Senator Willacy, the amendment was tabled.

Adjutant General's Department—No amendments.

Public Printing—No amendments.

UNIVERSITY OF TEXAS.

Senator Hudspeth offered the following amendment:

Amend Senate substitute to House bill No. 18, page 26, line 25, by striking out "\$230,000" for each year and inserting in lieu thereof "\$270,000" for each year.

Signed—Hudspeth, Ward, Masterson, Murray, Hume, Kellie, Paulus, Senter, Adams, Perkins, Watson, Alexander and Peeler.

(Lieutenant Governor Davidson in the chair.)

HOUSE BILL NO. 75.

On motion of Senator Meachum, the pending order of business (House bill No. 18) was suspended, and the Senate took up, out of its order, House bill No. 75, by the following vote:

Yeas—24.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Adams.	Stokes.
Cofer.	Terrell of McLennan.
Greer.	Thomas.
Paulus.	

On motion of Senator Meachum, the Senate rule requiring committee reports to lie over for one day was suspended,

for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Cofer.	Stokes.
Greer.	Terrell of McLennan.
Hudspeth.	Thomas.
Paulus.	

The Chair laid before the Senate, on second reading,

House bill No. 75, A bill to be entitled "An Act creating the North Zulch Independent School District in Madison county, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Cofer.	Greer.
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Paulus.	Terrell of McLennan.
Stokes.	Thomas.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Cofer.	Stokes.
Greer.	Terrell of McLennan.
Paulus.	Thomas.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Holsey, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson, but was at ease for thirty minutes.

When the Senate was again called to order, on motion of Senator Kellie, the Senate recessed until 4 o'clock.

The Senate was called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 39, A bill to be entitled "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union pas-

senger depots; providing penalties; and declaring an emergency."

House bill No. 78, A bill to be entitled "An Act to abolish the Alexander Independent School District in Erath county, Texas, and declaring an emergency."

House bill No. 45, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies, and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act; and declaring an emergency."

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol, or naphtha motor railways, and declaring an emergency."

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments;

fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency," with amendments.

House bill No. 32, A bill to be entitled "An Act to appropriate the sum of \$100,000, or as much thereof as may be necessary, from the general revenues of the State to be used in operating the iron industry at the State penitentiary at Rusk, Texas; providing that such money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of same by the State Treasurer, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for caption of):

House bill No. 39, referred to Committee on Internal Improvements.

House bill No. 78, referred to Committee on Educational Affairs.

House bill No. 32, referred to Committee on State Penitentiaries.

House bill No. 45, referred to Committee on Judiciary No. 1.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on the amendment by Senator Hudspeth.

SENATE BILL NO. 4.

Pending discussion on the above amendment, Senator Watson asked if Senate bill No. 4 (just returned from the House, with amendments) would be considered this afternoon, whereupon Senator Meachum moved that unanimous

consent be given that no action be had on bill until tomorrow morning at the conclusion of the morning call.

Senator Alexander then called up Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

And moved that the Senate do not concur in the House amendments, and ask a Free Conference Committee.

Senator Terrell of Bowie moved as a substitute that the Senate do concur in the House amendments to the bill.

Senator Terrell of McLennan made a point of order on the motion, contending that the bill being a substitute bill by the House for a Senate bill could not be considered in this way, but should be referred to a committee as though the bill was a House bill, citing Senate Rule 34 in support of his contentions, etc.

Pending.

Following is Rule 34, as referred to:

When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, May 5, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointment:

Hon. Walter Tips of Travis county to be a member of the Board of Peniten-

tiary Commissioners, vice Hon. J. T. Mewshaw, resigned.

T. M. CAMPBELL,
Governor of Texas.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on the amendment by Senator Hudspeth.

(Senator Hume in the chair.)

REFUSE TO ADJOURN.

Senator Kellie moved that the Senate stand adjourned until 10 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—12.

Bryan.	Meachum.
Harper.	Murray.
Hayter.	Paulus.
Hudspeth.	Peeler.
Hume.	Senter.
Kellie.	Thomas.

Nays—17.

Adams.	Real.
Alexander.	Stokes.
Brachfield.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Veale.
Holsey.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Perkins.	

Absent.

Watson. Terrell of McLennan.

ADJOURNMENT.

Pending discussion,

On motion of Senator Mayfield, the Senate adjourned until 10 o'clock tomorrow.

APPENDIX.

REMARKS BY SENATOR SENTER ON BANK GUARANTY BILLS.

The following speech by Senator Senter, made in the Senate on April 24th, on a question of personal privilege, is printed by order of the Senate:

In a communication dated April 11, "A law providing for the guaranty of

addressed to the Legislature, Governor Campbell used the following language: deposits in State banks was demanded and the people mean it. The national platform and the State platform demand this legislation because the people demand it, and have the right to demand it. The depositors have asked for a bank guarantee law, not a bond law, with only the right to bring a suit. Such a plan as proposed is, I believe, a sham and a fraud and would liquidate every State bank in Texas, notwithstanding it may have the support of good men, who are themselves deceived as to the practicability of such a scheme. Those who believe that such a subterfuge can be justified before the people are deceiving themselves."

The communication from which I have quoted was sprinkled with epithets and coarse insinuations applied to the Legislature in connection with criticisms of its course in matters wherein it has differed with the Governor. As was pointed out at the time in a formal reply made by the Senate, this communication was without constitutional warrant and its place in the proceedings of this body is not as an authorized message from the Chief Executive of the State, but as a petulant and personal campaign circular interjected into our deliberations in order to give it the color of a State document.

The manifest purpose of this communication was to shake the Senate in its attitude on the subject of bank guaranty legislation. The Senate has made a fit reply to this extraordinary communication, reminding its author of the constitutional prerogatives which attach to each department of the State. Upon me a more unpleasant duty is enforced by the necessity of the occasion, created by the Governor's unjust and inaccurate statements. He was pleased to term the measure which I, as one of the authors, submitted to this body, "a sham and a fraud." A sham is something that pretends to be what it is not. A fraud is something worse. If I have attempted to palm off on the Legislature and the people of Texas a measure that purports to be what it is not, I am unworthy of their confidence and respect. If the Governor in his advocacy of the Cureton bill seeks to mislead the public into a belief that it is what it is not, he is unworthy of the confidence and respect of the people. The issue is squarely joined.

Touching the Governor's reference to the railroad lobby, it may interest the

public to know that the defeat of the nine-juror bill and other measures openly and vigorously opposed by the railroads—all of which I supported—was due to the active opposition of several gentlemen who are foremost in support of the Cureton bill. I am far from impugning their motives, because I concede to them all sincerity of purpose. But inasmuch as this single fact exposes the utter insincerity of the Governor's references to the lobby as an influential factor here, I may be pardoned for referring to it.

THE DEMOCRATIC PLATFORM.

The kernel of the popular demand for protection for deposits in banks is thus aptly stated in the Democratic State platform, adopted at San Antonio last year:

"We favor the prompt establishment of a system under the supervision and control of the State for the guaranty for the deposits of State banks of Texas."

Elsewhere in the platform it is declared:

"We repudiate the charges that have been made that the Texas Legislature is unfriendly to capital, and we invite a comparison of our laws affecting capital, private or corporate, with the laws of other States on this subject. We declare the Democratic party of Texas to be one of progress, looking well to the material interests of the people, and in favor of an early and rapid development of the natural resources of the State. The party invites the investment of friendly capital by both individuals and corporations, and guarantees full and complete protection of all such investments."

The first plank should be considered in connection with the last plank here quoted because it is manifest from the latter that there was no thought in the minds of the framers of the platform that it would be used as a pretext to embark on a revolutionary program which would commit the State and the Democratic party to the principle of socialism, menace the industrial fabric at every point, and plunge every business interest into chaos.

A guaranty, according to Webster's definition of the term, is an undertaking to answer for the payment of a debt or performance of duty by another. According to the Democratic platform, faithfully interpreted, each State bank should be required to furnish, under the supervision and control of the State, a

guaranty by a solvent third party for the protection of its depositors. That is the length and breadth and width of the platform. Just that and nothing less and nothing more. The guaranty is to be provided "under the supervision and control of the State."

The platform as stated is a direct echo of the constitutional amendment under which the State banking system was established. Its first provision reads thus:

"The Legislature shall by general laws authorize the incorporation of corporate bodies with banking and discounting privileges, and shall provide for a system of State supervision, regulation and control of such bodies which shall adequately protect and secure the depositors and creditors thereof."

Adequate protection to the depositors, under a system of State supervision and control, is required by the Constitution. The platform suggests nothing new except that the protection shall be given under a guaranty. That could only be given by a third party, because a guaranty is an undertaking to answer for another. It has never meant anything else, and it must be presumed that the platform builders used the word to convey the only meaning it has ever had.

STATE DECEPTION BUT NOT STATE GUARANTY.

Before the Legislature assembled there was much discussion in the press of Texas as to the nature of the guaranty which should be required for bank deposits. Several writers advocated a State guaranty of deposits, upon the theory that this was a proper duty of the State as a matter of public and general concern. While this contention was freely made in the press, there were but few writers who followed it to the logical end and urged that the State should pledge its own credit for the return of bank deposits. The words "State guaranty" were used loosely, and many people seem to have thus received the idea that there was some sort of proposal pending for the State to become the guarantor of the banks. Much of the confusion of ideas that now exists upon the subject is due to careless expressions by writers in the press who have not taken the trouble to inform themselves as to the details of proposed legislation, but have rattled away from their rocking chairs in the clouds, declining to acquaint either themselves or the public with the facts, and assuming that knowledge sufficient for the settle-

ment of one of the most perplexing and intricate problems that ever vexed the lawmakers of a State may be drawn from unceasing fountains of misinformation. Many persons who have given the subject but a hasty thought have been allured by the pretense of a State guaranty. Whatever support the Cureton bill has in public sentiment is derived from the notion that it promises a State guaranty. The demand for State responsibility is a growing one. Within reasonable bounds, it stands for progress and for the protection of the public interest. But mark well the limitations fixed by the Constitution and the Democratic platform: "Under the supervision and control of the State." No suggestion there that the State shall put in pawn a penny of its own funds for the redemption of the pledges of the banks.

The plan presented by Mr. Cureton and approved by the Governor and his Banking Commissioner, Mr. Love, does not in fact propose a State guaranty for bank deposits, but it does much worse, it falsely pretends to do so. It is not what it pretends to be. It is a sham and a fraud. It is a masterpiece of deception. That part of the public which is over-credulous believes that in some way the Cureton bill makes the State responsible for the payment of bank deposits. No more reprehensible deception was ever practiced or attempted to be practiced upon the people.

Any plan that relies upon deception for its main following is necessarily wrong in principle, false in economics, and will ultimately result in public disaster.

The advocates of the Cureton plan claim that it is a god-child of the Oklahoma plank, and it undoubtedly belongs to the same family of impostors. Since the adoption of the Oklahoma law, the metropolitan newspapers of other States, particularly the papers which are patronized by the wage-earning classes, have been filled with flaming advertisements by Oklahoma banks soliciting deposits upon the representation, artfully made, that the State of Oklahoma stands behind them. The literal reading of these advertisements, technically construed, might enable the writers to escape conviction upon a charge of obtaining money under false pretense, but under any standard of morality that is asserted by men claiming to be honest, those banks are receiving money under false pretense. They artfully convey the impression that the State of Oklahoma underwrites their certificates of deposit, intending to create that impression

without actually employing words to do so which would make them amenable to the criminal laws of the United States Government against using the mails for fraudulent purposes.

Do the people of Texas desire that their statute books should be prostituted to such base and mischievous ends?

Are we willing to lend the color of the authority of the great seal of the State to a legalized system of swindling which in the fullness of time will inevitably ripen into a scandal of world-wide magnitude?

No one here pretends to desire to make the State a guarantor of deposits in banks. Then ought we not to stand together in behalf of sound public morals and avow our exact purpose in whatever law may be enacted?

In his recent address before the Texas Legislature Mr. Bryan used this language. I wrote it down at the time:

"If you are going to sell a horse that is not sound, sell him without a written guaranty, because if you do give guaranty that he is sound and he turns out to be unsound, your guaranty will rise up to confound you."

That doctrine is a part of every platform upon which it is permissible for an honest man to stand. Written into the Democratic platform of Texas, it adds a proviso that the guaranty to be given under the supervision and control of the State shall be a guaranty of the repayment by the bank in which the depositor places his money of 100 cents upon the dollar of such deposits.

That doctrine forbids with stern emphasis the repetition here of the Oklahoma plan of false pretense—the representation that the State is behind deposits when it is not.

INSURANCE AFFORDS A REAL AND STABLE GUARANTY.

I accepted the Democratic platform in the letter and in the spirit. Before leaving my home in Dallas to attend upon the Regular Session of the Thirty-first Legislature, I set about to devise a plan consistent with our established social and industrial systems and with ancient Democratic principles to carry that platform into effect. To my mind—schooled in the tenets of democracy as expounded by Jackson and Calhoun and Benton and Jefferson Davis and Alexander Stephens and Ben Hill and L. Q. C. Lamar and Henry Watterson and the long line of illustrious statesmen who have under every stress of weather stood up against every onslaught of

socialism and have taught that individualism is the tap root of democracy—the proposal to force all the banks into involuntary copartnership, and to make each by statutory decree the guarantor of all, was so repugnant to Democratic principle, so false, so delusive, so dangerous, that it should not be harbored for a single moment in any mind that professes adhesion to the Democratic faith. The only available plan was to require each bank to give adequate security for the return of its own deposits, and to provide that this should be done under the supervision and control of the State. This involved no departure from accepted political principles or from existing systems of business. Earnestly desiring to conform to the command of the Democratic platform and to respond to the just public sentiment which calls for adequate security for depositors, I endeavored to devise a plan whereby the banks should be required to insure deposits in solvent companies. It must be manifest, I think, to every mind which has given the subject any thought that the only solution of the problem lies in some form of insurance. To this end, before coming to Austin, I called upon Mr. Royal A. Ferris, who is connected with both a State and National bank in Dallas, and upon Mr. Sam P. Cochran of Dallas, who is prominently connected with the business of fire insurance, to know whether Texas capitalists would likely interest themselves in home companies organized to insure deposits in Texas banks if authority were given for the organization of such companies. To prudent, careful men of business the problem seemed a large one—although there are those among us who profess to be able to solve it without any knowledge of any phase of the subject, and without reading one section of any bill relating to it. These gentlemen promised to consider the matter, but I presume they reached no conclusion in their own minds because they never advised me of it. However, I did not abandon the idea that insurance offered the only real guaranty that could be given the depositor, and continued to agitate this plan within the scope of my own activities. In pursuance of this view on the 18th day of February last, I offered in the Senate an amendment to the bill then pending (Senate bill No. 154) relating to objects for which companies may be incorporated, which provided for the organization of companies to insure bank deposits and that they should have a paid up capital stock of not less than

\$500,000. This amendment, which will be found on page 431 of the Senate Journal, was adopted, and it is my belief that it was the immediate cause of the veto of the bill by Governor Campbell. He scented in this amendment an opportunity for insurance of bank deposits, and not being willing to give that plan a chance, he vetoed the bill. It is true that he gave another reason. The bill contained a section repealing the present law which offers an unlimited field for the creation of compress and other trusts, and providing a drastic penalty for the organization of such trusts. The Governor referred his veto to this section, and factiously declared that he was opposed to the organization of trusts.

THE SENTER-HUME BILL.

In further pursuance of the idea that the system of insurance offers the only real solution for this vexatious problem, I joined in the production of what is known as the Senter-Hume bill. That measure, it is proper to say, represents the sober and well-considered judgment of several of the members of this Senate, men of business as well as legal experience, thoughtful, conservative, prudent men, who will not stand for any revolutionary program but who are sincerely and earnestly committed to the proposal to secure depositors to the uttermost. The politicians and the press behind the socialistic program have grossly misrepresented every feature of this measure. They have not dared to discuss it. As far as possible they have prevented a knowledge of its details from reaching the public. For the sake of historical accuracy, I give here a summary of its provisions.

1. It requires each banking corporation organized under the laws of Texas to execute and file annually a bond, policy of insurance or other form of guaranty in an amount equal to twice the amount of its capital stock for the protection of all depositors. The guaranty thus given shall be approved both by the county judge and the Superintendent of Banking.

2. It authorizes any national bank and any private bank to take the benefit of its provisions and to furnish the guaranty required from State banks if it elects to do so.

3. It provides that in the event the bank furnishing the guaranty shall make default, the guarantors shall be required to pay over at once for the benefit of depositors the amount of their obligations thus created, and in the

case of corporation guarantors, makes such provision as to assure that this will usually be done. The effect of this would be that the guarantors of a defaulting bank would immediately take charge of and liquidate it with the best results to the public and to stockholders.

4. It provides that in the event the deposits of any State bank shall exceed five times its capital stock, it shall furnish additional security equal to the amount of such excess deposits.

These are the material provisions of the bill. The other provisions relate to details and to the mechanism, which is of the simplest nature.

Stated concisely, this measure extends to the general depositor the protection which the State requires under general law for State, county and municipal funds deposited in banks. A depository law was passed by the Twenty-ninth Legislature, was amended and perfected by the Thirtieth Legislature, and has worked well in operation. Under it no loss has been suffered. The last report of the State Treasurer shows that the State had deposited in banks under the provisions of this law about \$1,500,000, for which it held approved security and upon which it was receiving interest amounting to about \$50,000 annually. I have not at hand the reports which would show the volume of county and municipal funds on deposit in banks under this law, but it must be large. These public funds constitute a sacred trust. Is not the law which safeguards them and which is approved by the test of experience a wise and safe expedient for the general depositor?

PROVISO FOR IMMEDIATE PAYMENT.

The objection has been made to this measure that it does not provide for immediate repayment to the depositor. The reply is that it is the only measure pending before this Legislature which does contemplate the reimbursement of the depositor in cash as soon as a bank shall make default, and that makes provision to this end which will accomplish that result in most cases. It gives all assurance that the law can give for immediate cash payment. The provisions of the Cureton bill would never yield a dollar in cash in time of panic to a depositor holding a claim against a defaulting bank, but under such circumstances he would always be paid in certificates of an indefinite nature and uncertain value.

In the light of all experience, any man who professes to have discovered a plan whereby under all circumstances depositors will be paid in cash upon demand is either a lunatic or an unscrupulous knave. For ages, the financiers of the world have devoted themselves to the solution of that problem, and it is still unsolved. In the great centers of wealth and business, and at the very fountain of the golden streams of wealth, it is found necessary when panic comes for the strongest financial institutions to suspend payment or to limit payments until the madness of panic ceases and dethroned reason resumes its sway. What folly then for men who never in all their lives grasped one of the smallest wheels of the complex machinery which speeds on and on the mighty cargoes representing the aggregate of human toil and achievement to assert that out of their ignorance and inexperience has come a revelation crested with the halo of infinite wisdom, and if congresses and legislatures will but crown them with autocratic power, the day of panic is at end and dollars will rain upon clamoring multitudes as manna fell upon the plains of Canaan.

ORIGIN OF PANICS.

Let us hear what the Comptroller of the Currency had to say about the causes of the panic of 1907.

"On October 26th the New York clearing house banks decided to issue clearing house certificates for use in the payment of balances and to limit if not suspend the shipment of currency to out of town banks. In this the New York banks were followed by those of the other central reserve and most of the reserve cities. The result was to at once precipitate a most serious bank crisis and a famine of currency for pay rolls and other necessary cash transactions. All domestic exchanges were at once thrown into disorder and the means of remittance and collection were almost entirely suspended. The conditions which led to the panic of October and November, 1907, were not due to the failure of a few individual banks. They were not due to a lack of confidence of the people in the banks, but more to the lack of confidence of the banks in themselves and their reserves. Banks have been fearful that the reserve system would break down, and in consequence it has broken down, and the reserve deposits have only been partially available. They were also fearful that not sufficient money could be supplied to

meet the demand, and as they all made the demand at once there has not been sufficient money. The result has been a money famine."

The conditions which accentuated the panic of 1907 were thus told in graphic story by Mr. T. C. Daniel, of Virginia, a globe trotter, who testified before the Committee on Banking and Currency of the House of Representatives in January, 1908:

"This panic has given the financial rigors to all the bankers. They realize that with only \$2,876,368,696 in the currency system of this country, and only \$1,679,853,760 in actual circulation they had to take care of over \$13,099,635,348 owed to their depositors, and at the same time provide the money necessary to carry on \$25,000,000,000 worth of internal commerce. It is safe to say that if the country had not been in a prosperous condition and the American people in a pleasant frame of mind, half the banking institutions in the country would have been closed or in bankruptcy, caused by an angry, outraged people demanding their money. Let this occur again under different conditions and a general panic seize the people; it will spread like wildfire through those having on deposit \$13,099,635,348 in the banking and saving corporations of the country, and if one-fifth of them get their money it will exhaust every dollar in the whole currency system of the United States, or one-twelfth will take every dollar in actual circulation."

Mr. A. N. Jordan who appeared before the Committee on Banking and Currency at the request of Mr. Williams, of Mississippi, the Democratic leader in the House, thus summed up the causes of this latest panic:

"In the panic of 1907 people were attempting an impossibility in trying to convert the credits of this country into cash. The only recourse of the banks in affected centers was to suspend payments, as their loans could not be liquidated—just as in 1857. It was necessary for the mutual protection of all concerned."

I have quoted at length these expert opinions to show the utter futility of the Cureton bill as a means of producing ready money in a time of panic. It would be as childish to attempt to dash back Niagara Falls with a dewdrop as to seek to allay the clamors of surging multitudes during such a crisis, by feeding out the resources of solvent banks to the creditors of insolvent banks. No sane banker whose wits were about him would heed the call, though it were re-

enforced by all the military power of the State.

A PRODUCER OF PANIC.

Can any intelligent and reasoning mind fail to perceive that under the conditions stated by the Comptroller of the Currency and by Mr. Daniel and by Mr. Jordan, conditions that existed only a year and a half ago, the Cureton bill given full force and effect in Texas would have precipitated a general run on the banks of this State, including not only incorporated State banks, but National and private banks?

A recent official statement shows the resources of State and National banks of Texas to have been at the time as follows:

National Banks.—Deposits, \$138,657,492; loans, \$92,958,481; actual cash on hand, \$17,380,666. Percentage of actual cash in bank to deposits, 12 per cent.

State Banks.—Deposits, \$22,570,622; loans, \$13,859,267; actual cash on hand, \$3,416,934. Percentage of actual cash on hand to deposits, 14 per cent.

Let us suppose that the Cureton plan will be adopted, and that all the State banks will be brought into involuntary copartnership. A citizen of Austin has one thousand dollars (\$1000) on deposit. There is say \$140 in the bank to represent that deposit. When he put the money in the bank his confidence in its resources was strengthened by his acquaintance with the managers of the bank, the men behind the financial guns. He knew them to be men of prudence and integrity. But since he deposited that \$1000 the State has stepped in and through the exercise of arbitrary and autocratic power has said to the bank and to its depositors: "The money here is subject to my command to pay the depositors in other banks which, because they are not as prudently managed as this, may have to close their doors." A panic comes, and the owner of that \$1000 begins to feel uneasy. He has not lost confidence in his own bank or in its managers, but he begins to be haunted by that mysterious and quaking fear which an unknown and unplaceable danger always yields. A financial conflagration may break out at any moment a thousand miles away, or at an hundred places, and he will never realize the danger until it has consumed his little competence. He is as a man standing in the shadow of Mt. Pelee, with the sun shining on one side, liquid death raining down on the other, and the breezes shifting with every stroke of the clock.

A bank fails in El Paso, and a call is made for a part of his \$140 in the Austin bank to satisfy the depositors of the El Paso bank. He grows faint at heart. The next day a bank failure in Texarkana makes another demand upon the remainder of his \$140. He struggles with set teeth to overcome a growing fear. A third failure is reported from Brownsville, and a third call is made upon his little cash pittance in the bank. He has seen his \$1000 diminish rapidly from \$140 to \$100. What will he do? What would any man do but grab his hat and rush for the bank to assist in his own undoing by helping to produce a run on his own bank?

These are the dragon's teeth we are asked to sow in Texas today. I refuse to join in the sowing.

The desperate politicians who would barter the welfare, the prosperity and the happiness of millions of people of this State to gain the offices to which they aspire, surely have not measured the full extent of the disaster toward which they are pushing forward so recklessly.

THE OKLAHOMA FORM OF GUARANTY.

The Oklahoma situation to which they point for precedents should give them pause. There, between thirty and forty millions of dollars of deposits are said facetiously to be "guaranteed" by the State. What is the guaranty and what is it worth? Under this magical plan which is conjured up through the use of some Aladdin's lamp, these millions of deposits are "guaranteed" by a little more than \$200,000 and that not in cash but in promises to pay. The irony of the situation is that if there should ever be five successive and quick demands upon the so-called fund of \$200,000, evidenced by nothing more valuable than book entries, the whole fund and the whole scheme would probably go up in smoke and the "guaranty" of a sovereign State, tendered to lull depositors into a false sense of security, would turn to ashes on the lips of thousands of depositors, many of them wage-earners, who would then discover that they had been swindled by an improper use of the name and prestige of the State.

AS APPLIED IN TEXAS.

Let us apply the Cureton scheme to the conditions now existing in Texas, and see how it would work in actual practice.

According to the statistics I have already quoted, there were \$22,570,622 deposits in the State banks of Texas when they were compiled. This amount has probably increased to something like \$25,000,000.

The Cureton plan contemplates that a bank credit fund of \$500,000 shall be charged against the State banks in the beginning. This is to be reached by an assessment of one per cent on their average deposits in the case of banks which have been in operation more than one year, and by an assessment of 3 per cent levied upon the capital stock and surplus if the bank has been running less than one year. These assessments are subject to increase to secure the desired amount of book credits amounting to \$500,000, but after the first year the lid is to be put on and the maximum assessment permissible in any one year is to be 2½ per cent of the average daily deposits for the year.

It will be observed that during the first year of its operation the banks under the Cureton plan would be subject to call in the maximum sum of \$500,000 to pay depositors in suspended banks, and that on the basis of the present deposits, the annual increment to this paper fund, if no disaster should come, would be about \$312,500.

One State bank in Texas has over five million dollars in deposits. If it should close its doors, the Cureton scheme would instantly go into bankruptcy, because it could not be put upon its feet again within five years if the remaining banks should continue to contribute and no disaster should occur during the period. Illustrations may be multiplied to show its utter worthlessness as a real guaranty of deposits. The suspension of three banks of any size in the sisterhood of State banks would bankrupt the scheme, disgust depositors, produce a panicky feeling everywhere, and cast a flood of obloquy upon the State which had permitted its name to be used to dupe and deceive depositors.

A REAL GUARANTY.

As against this vagary of socialism, the solid and valuable guaranty proposed by the Senter-Hume measure stands out in marked contrast.

The Cureton bill would for the first year put \$500,000 in paper credits and not a dollar in actual cash behind \$25,000,000 in deposits. It would not alter the condition of a single bank. It would add nothing to the strength of the banks either singly or collectively.

The Senter-Hume bill, in addition to all of the present assets of the State banks, at a single leap would add over \$20,000,000 in real and approved security, outside of their own assets, to the resources available for the protection of their depositors. It would make every deposit certificate issued by any State bank of Texas as good as a bank of England note. It is true, it would wipe out the wild-catters, and the bank swindlers, wherever they may be, but it would give the depositor that full assurance of safety which can come only through the knowledge that the guaranty offered represents actual values and not paper credits or resolutory statutes.

A FEAST FOR VISIONARIES.

The Cureton bill assumes that the people are all fools, that what they want is not actual security, but merely a statutory declaration that they are secured. It is a modern version of the Barmecide's feast, as recorded in the Arabian Nights. The depositor asks to see the assets Mr. Love would place behind bank's deposits. The suave commissioner replies: "My dear sir, what you want is not security but confidence; be calm and confident. Whenever trouble comes I will get your money."

The day of trouble comes—for in the fullness of time such days always come—and the anxious depositor appears before the Banking Commissioner with a tale of a suspended bank upon his lips. What is he to get? Money? No. A certificate which will read something like this: "I, T. B. Love, the honorable Banking Commissioner of the State of Texas, hereby certify that John Jones had one thousand dollars in the bank of Good Hope when it suspended, and that I promise to pay said amount over to him whenever I can get my hands upon it, less cost of State supervision and control and incidental expenses."

The people of Texas have asked for a real guaranty law, for a law that will give them bread, and the Governor and his Banking Commissioner tender them a stone.

THE WAY OF THE BANK BOOMER.

But the Governor in his earnest solicitude for depositors will have no shams or frauds. He says: "The depositors have asked for a bank guaranty law—not a bond law with only the right to bring a suit. Such a plan as is proposed is, I believe, a sham and a fraud that would liquidate every State bank in Texas." I have been trying to imag-

ine one reason why a State bank would go into liquidation because it was required to give security for the payment of its own debts—a guaranty that it will perform an obligation already imposed upon it by law and conscience, but would respond with alacrity to the Governor's call for it to continue in business under a law which sought to impose upon it \$25,000,000 of indebtedness of other banks, in addition to the amounts owing to its own depositors. The only explanation of this phenomena that I can reach upon logical lines relates to the case of a banker who has no intention of finally paying either his own debts or anybody else's debts, but desires the prop of a false pretense that he has been underwritten by the law to enable him to cut a wide swath until the day of reckoning comes. I have no hesitation in saying that a banker who would quit the banking business because the law required him to secure his own depositors, but who would stay in it because the law compelled somebody else to secure his depositors, ought to be forced to get out of the business no matter what system of security may finally be adopted.

OTHER COMPARISONS.

As to the litigation which would probably arise, any intelligent lawyer who will examine the two bills in a spirit of fairness to both must concede that the Cureton bill would produce ten lawsuits where the Senter-Hume bill would produce one lawsuit. I do not mean to assert that litigation can not and will not arise under the operation of the Senate bill. I do mean to say that the system it proposes is so safeguarded in every feature as to reduce litigation to the minimum; that in ordinary cases and in most cases it will produce full repayment of depositors within a brief time after a bank shall be suspended and that the Cureton bill gives no assurance whatever of repayment in a reasonable time. It offers paper credits for security and statistics in lieu of cash.

The Governor says that a proposal that each bank shall furnish its own guaranty is a sham and a fraud. In the same breath, he speaks for a plan that holds out to the public the pretense of creating a fund that is not to be created; that purports to furnish cash security to the depositors and conceals its hypocrisy behind book entries which represent nothing but paper assets; that provides vast and cumbersome machinery and many soft and profitable jobs without

adding a single prop to the structural strength of any bank or furnishing a single reason to any depositor why he should feel more secure than he does now. The intricate provisions of the Cureton scheme, cleverly put together as they are, can not conceal the fact that the "fund" which it describes is to be a legalized joke, existing only to salve the imagination of the ignorant and to feed the expectancy of the over-credulous. If there were any sincerity whatever behind this scheme, it would cast off all of the magniloquent pretense which shines out through its forty-two sections, and merely provide that whenever a State bank shall fail all other State banks shall be assessed ratably to make up the sum necessary to pay off its depositors. If there be any principle underlying the measure, that is its Alpha and Omega. Why this cumbersome machinery, this army of uniformed officials, this unending display of red tape; this bowing and scraping, this kow-towing by the entire business and banking world to the Banking Commissioner and his over-lord, the Governor, merely to reach in the end nothing more than an assessment upon all the banks to pay the debts of a suspended bank? Can it be true that this excessive array of official pomp and this extraordinary vestiture of despotic power are deemed necessary to conceal the true purpose of the bill, to cover up the unpleasant fact that it does nothing more and nothing less than rob Peter to pay Paul? That result does not harmonize with any system of morals or any code of ethics which is now recognized in decent society, and therefore let us hope that the Governor regards this as but an unhappy incident to his plan; that he foresees in the great reformatory movement in both politics and religion that will come when he and his adjutants are unchallenged autocrats in all the realms of business, of finance and of politics, a blazing beneficence which will envelop and swallow in a halo of glory all of the cloud which may have followed the beginning of that great reform.

TO CREATE A BANKING AUTOCRAT.

I have not attempted to analyze the Cureton measure and I shall not do so now, because it is beyond logical analysis. No man has ventured to present its material features to the public and to defend them, and no man who has any regard for his reputation will do so. When it was before the Senate during the First Called Session, I directed at-

tention here to some of its obnoxious and undemocratic provisions and called upon some man to stand up for them, and no Senator spoke in support of the bill. It is one of the mysteries of this Legislature that a measure which bears upon its face the indelible imprint, the scarlet letter, of foulest heresy as to politics, of rank dishonesty as to morals, and of perilous recklessness as to business, should have crawled through the Capitol twice without some faithful Democratic watchman seizing and strangling it until all life should have been extinct.

The enormous detail of this measure could not be explained in a volume as large as the Revised Statutes, because if it were put in operation each attempt at explanation would require a supplemental explanation based upon some new ruling or decision or judgment or decree of the financial autocrat who would be installed in Texas under the name of the Banking Commissioner. His powers under this bill have no parallel in the annals of America since the Declaration of Independence was made. The royal commissioners and governors who came over from England robed in the satinets and wearing the insignia of the crown asserted such authority, and then fled before the honest indignation of the forerunners of the revolution. Without attempting to tell all that this bill would do, let me sum up some of the things it would do.

It would vest in the Banking Commissioner the power to authorize existing banks to continue in business, or to close them up, arbitrarily, at his peculiar pleasure and election.

It professes in terms to vest the supervision and control of the individual morals and personal conduct of all bank officials and directors in the Banking Commissioner, with authority to close up without judicial process any bank whose officials are not satisfactory to him for any reason, or for no reason which he may choose to disclose.

It confers upon the Banking Commissioner unlimited power of blackmail, and provides the penalty of decapitation for any bank or any official that may offer resistance.

It gives the Banking Commissioner unrestrained power to build up or to tear down any private business or interest in Texas which may be dependent upon any State bank for its credits.

It vests in the Banking Commissioner general control over the private business of every community in the State, in so far as that community may be depend-

ent upon State banks for the financial machinery which drives the wheels of commerce.

Having ascertained this much, it is not difficult to discern the motive of this remarkable measure, or to foresee the political and financial results which would follow its adoption. It is branded all over with the discredited trademark of Missouri exploitation—a trademark that vies in ill repute with the turkey-footed brand of the worst bosses in the worst boss-ridden city in the land.

WHAT IT PORTENDS.

To adopt this measure would be to signal to every prudently managed State bank in Texas to disincorporate and clear the field for action by the wildcatters, the promoters and the jobbers of all kinds of discredited schemes and wares.

To adopt this measure would be to throw out a dragnet to hook disaster, to entangle business and to confuse progress.

To adopt this measure would, as the least of its inevitable evils, unsettle business conditions, produce general anxiety and unrest, check development, divert investments to other States, and lay an embargo on progress in Texas for years to come. If it should operate as I believe it would, at the first flush of depression it would precipitate a general panic and close up hundreds of small banking institutions throughout the State, compel general liquidation, put a brake on the wheels of industry, throw labor out of employment, and bring upon us the long train of evils which follow in the wake of panics and their resultant periods of liquidation.

NO EXPERIENCE TO COMMEND IT.

No State ever laid securely the foundation of general prosperity which did not consult and profit by the experience of other States. There is no history which attests the wisdom of the Cureton measure. Oklahoma adopted the plan but a short time ago, and has been in a condition of financial unrest and upheaval since. The careful observer of events in that State will find no sound reason there why Texas should rush into its wake without awaiting full developments. Its law is challenged on constitutional grounds, and a case is now pending in the Supreme Court of the United States which may, and I believe will, result in the complete overthrow of the system. The transitory expansion which attends the usual boom in a new State has aided to cover up the normal

effects of a banking and business revolution, but signs are not wanting that the situation is far from satisfactory. The law first provided for unlimited assessment upon the banks. The Legislature recently changed this so as to limit the calls in any one year to 2 per cent of the average deposits. Why was it deemed necessary to put on the lid unless there was serious apprehension that the lid might be needed to protect solvent banks?

Nebraska has just embarked on this experiment and can offer no experience as to its effects. In Arkansas the Legislature recently enacted a law making the stockholders in a State bank responsible for its debts in proportion to their stock holdings. This it will be noted, adheres to the Democratic policy of holding each concern for its own liabilities.

The public interest would not be imperiled by deferring the adoption of the Oklahoma system, though it were already determined upon. The lessons of experience are costly. If we may acquire them without hazard and without investment by waiting, why should we hasten to take desperate chances?

For myself, I shall be as much opposed next year and the next to the Oklahoma plan as I am now, because I believe it to be vicious in principle as well as dangerous in practice, but if I were convinced of error in this respect, I should adhere to the idea that it is wise to wait upon the results in practice of this revolutionary scheme before putting the general welfare of Texas at hazard on a mere chance that it will work satisfactorily.

TESTED BY THE CONSTITUTION.

In the easy going politics of today it invites ridicule to offer a constitutional objection to any measure, but to those who cherish the old-fashioned notion that both the State and Federal Constitutions should be faithfully tracked in the making of laws, the suggestion that the Cureton bill is plainly violative of the letter and the spirit of both will arrest attention.

The peculiar theory of a republican form of government as contrasted with one which recognizes class distinction is that in its view the government exists solely to perform governmental functions. A republican government is prohibited by law from conferring estates upon any man or set of men. This principle was guarded with more solicitude by the founders of the American system than any other pillar which was placed

beneath it. Time and again the Supreme Court of the United States has thrown the shield of its great authority around it, and has brought back to the fold an erring State which yielded to the importunities of political and financial adventurers and would have builded up a favored class or interest through the abuse of the taxing power.

It is the general rule that the Legislature of a State may pass any law which is not inhibited by the State Constitution. Texas furnishes one of the few exceptions to this rule with respect to the levy of burdens upon the people. Section 48, Article 3, of the Constitution thus restricts the authority of the Legislature:

"The Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise revenue sufficient for the economical administration of the government."

Then follows an enumeration of governmental purposes, rigidly confined to the machinery of the State. This language is plain and mandatory. The Legislature shall not. It must not lay command for tribute except for its own uses. No one will contend that the assessments that are chargeable against the banks under the Cureton bill are made for a governmental purpose. The money to be raised is not required for any department of the State, but to pay private debts. The framers of the Constitution evidently had in mind the thought that there would be many attempts to evade this salutary prohibition, and to re-enforce it they repeated its substance over and over again. I quote some of them:

Section 50, Article 3: "The Legislature shall have no power to give or to lend, or to authorize the giving or the lending, of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other; or to pledge the credit of the State, in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever."

Section 51, Article 3: "The Legislature shall have no power to make any grant, or authorize the making of any grant of public money to any individual, association of individuals, municipal, or other corporation whatsoever."

Section 52, Article 3: "The Legislature shall have no power to authorize any county, city, town, or other political corporation or subdivision of the State to lend its credit or to grant public

money or thing of value in aid of or to any individual, association or corporation whatsoever."

These mandatory provisions of the Constitution make plain the stern determination of its framers to prevent any meddling by the State, directly or indirectly, in private business.

The capstone of individual rights is found in the Bill of Rights:

Section 17: "No person's property shall be taken * * * without adequate compensation being made."

The taxing power is further limited by these provisions of the Constitution:

Section 3, Article 3: "Taxes shall be levied and collected by general laws and for public purposes."

Section 6, Article 16: "No appropriation for private or individual purposes shall be made."

These are all links in the chain which fastens the government of Texas closely to a governmental mission. It is not its business to act as guardian for any man unless his condition is such as to bring him under eleemosynary jurisdiction. It has no right to pursue any man in behalf of any other man. Its courts are open to all. It can create no debt except for a public purpose, and it is without power to assume the payment of a private debt. These are manifest truths which are spoken in every mandate of the Constitution relating to the contracting of public debt or to the expenditure of public money.

The proposal to build up a vast and expensive department of state not merely to supervise the business of banking, but to provide resources for the payment of depositors is so clearly violative of the Constitution that it is strange any lawyer would approve it. If it be contended that the assessment to be laid upon the bank is not a tax, then pray show us the authority for the taking by the State of a single cent from any person or interest except as a tax. If it be argued that the State has the power to write any condition it may please into the contract or charter creating a banking corporation, the reply is that it can make no condition which is violative of constitutional law, nor can it bind either itself or the stockholders of a corporation by an ultra vires contract, even though it may be statutory in form.

THE WOOF AND WARP OF SOCIALISM.

Whenever it becomes necessary to defend the principle of private right in

property in the Legislature of the leading Democratic State in the Union against the onslaught of demagoguery and graft it is high time to speak plainly and to speak to the point. If there is any constitutional authority for this bill it must come from some warrant which would authorize the Legislature to decree by statute that each incorporated mercantile company in this State shall become responsible for the debts of all other mercantile corporations; that each incorporated manufacturing concern shall assume the debts of all other manufacturing concerns; that each railroad company shall assume the debts of all railroad companies. The terms of the Constitution conferring general control over all private corporations upon the Legislature do not differ in any material respect from the provisions of the amendment to the Constitution providing for State banks in regard to the nature and degree of authority to be exercised. The power is the same. I quote Section 2, Article 12, of the Constitution:

"General laws shall be enacted providing for the creation of private corporations and shall therein provide fully for the adequate protection of the public and of the individual stockholders."

The legislative power as to banks is to enact laws that will "adequately protect and secure the depositors and creditors thereof." As to other private corporations the Legislature is required to provide fully for "the adequate protection of the public and of the individual stockholders." How is the public to be protected? What interest has it in corporations to be protected except the payments of debts due by them? It must be plain to any intelligent mind that the Legislature has the same power, no greater and no less, over all corporations, in respect to the enforcement of a rule for security for debts that it has over banking corporations. Most of those who talk flippantly about this measure and would rush it through upon the wings of political craft, do not dream of the perils they are invoking, of the evils that are concealed within this Pandora's Box. The principle for which it stands is the bandit's plea for plunder: the appetite which it would feed is the unquenchable desire for official graft. It is said that public sentiment in this State demands it. I deny the assertion. It is a grave reflection upon the intelligence and virtue of the people of Texas. They are not ready to embark upon the raging sea of socialism which bears upon the beating waves of its final

vortex nothing but hopeless wrecks. I deny that they would approve by law any scheme looking directly or indirectly to the redivision of property. That theory forms the woof and warp of this measure. When they are ready for this measure, they will not need any law to accomplish the rapacious ends it has in view. Why should the law be resorted to for the purpose of taking one man's property by force and giving it to another? In the nature of things, confiscation should not rest its claims upon law but upon brute force. The barons of ancient days required no legal warrants for the daily and nightly assessments they made upon their neighbors.

When the people of Texas learn the truth about this measure and about the basic theories which underlie it, they will recoil from it with an indignation which will teach the reckless and office-hunting politicians of the future to keep their wicked hands off private property and to respect the voice which thundered from Sinai the command: "Thou shalt not steal."

But if I thought that the people were so steeped in the gospel of socialism and spoliation that they were ready to embrace this measure I would repeat with emphasis what I here assert. May God help this country when public officials are to be found only upon the crest of the passing breeze. If the morals of this measure respond truly to public sentiment in Texas, fully advised as to its principles, then I have no business here. So help me God, I will never stand for a law which will assist any man to commit an act which if done without the law would stamp him as a scoundrel or a robber.

TO MOBILIZE THE BANKS.

In a discussion with one of the distinguished gentlemen whose name is given to this bill, he said to me in substance:

"You do not understand one of the purposes of this measure. It seeks to co-ordinate the banks; to combine them in interest."

This was one phase of the subject I had, indeed, considered but lightly—too lightly. An attempt to mobilize the banks and to weld them together in a community of political as well as business interest, is a matter of vast importance to the people of this State, and well deserves their full consideration before receiving their approval. This is not the first time in the history of this country a movement of that sort has been

afoot, but it is the first time, I believe, any man calling himself a Democrat ever gave encouragement to such a movement. In the days of militant national Democracy there was a banker named Nicholas Biddle, who cherished the dream of a great central bank which was to be the financial heart of the nation, and to which all other banks were to contribute as feeders. It was a vision of co-ordination of banks such as may have flashed upon recent dreams of the authors of the Cureton bill. There also lived in those days a man of rugged mien and blunt speech named Jackson—plain Andrew Jackson. Fear in a personal sense never found a recess in his soul, but brave as he was, he trembled at the thought that the time might come when the chain of banks with a centralized head, such as was planned by Nicholas Biddle, would become masters of the Western World and bring the Republic to their feet. With all of his masterful energy, that great and heroic Democrat fought the Biddle scheme until it yielded to him, and to the Democratic party under his command, a notable victory. Since then the dream of Nicholas Biddle has reappeared from time to time. This is not its first visitation to Texas. About 1890 there came to this State from a central State an old but vigorous man of large wealth who dreamed that he was to become the banking king of Texas, at the head of an extensive chain of banks. He was vigorous in execution as well as boundless in aspiration, and soon he was in a fair way to accomplish his purpose. But panic came—it may have been as to some things a merciful panic—and disease struck deep and vitally, and that dream perished from the earth. And again this vision of Nicholas Biddle reappears—strange spectacle—heralded in the vernacular of Democracy and underwritten by the Governor of a Democratic State. Surely, the bones of old Andrew Jackson must be turning and twisting in their grave at the Hermitage. I would not seek to deprive the authors of this measure of the honors which they have earned by its proposal, but in the interest of historical accuracy, I am forced to say that they were beaten several lengths to this device by Congressman Chas. Fowler, of New Jersey, chairman of the House Committee on Banking, through appointment by Speaker Cannon. Speaking before that committee in support of the Fowler bill, Mr. Chas. A. Conant, of New York, a Federalist in principle, said on February 19, 1906:

"Mr. Fowler's bill providing for bringing the trust companies and national banks into the national banking system tends to give that co-ordination, that cohesion and that correlation which are essential if we are to become a solvent financial nation. And his other provisions which introduce mutuality among the banks by imposing the burden of losses upon the banks of a given group and authorizing examinations in anticipation of bad loans instead of after they are made, all point in the same direction and tend to a cohesion and to symmetry and to unity which can never be found under our existing system. * * * Inevitably the only sound measure is a measure which shall co-ordinate the entire system."

It is not my purpose to discuss here the currency question, although that is the subject the framers of the Cureton bill evidently had principally in mind. They had some sort of notion that they were going to solve the old, old problem of providing the borrower with all the money he wants, and it was the borrower's not the depositor's image who filled their thoughts. The fact of vital import to us is that this is a magnificent scheme of conquest, which is to be not a conquest of the banks, but a conquest by the banks. When five hundred or a thousand banks, or more, shall have been co-ordinated under the Cureton plan, with an astute head at Austin in the office of the Banking Commissioner, where is the organization, political or any other kind, which will be able to stand before them in battle array? Before we mobilize this formidable force would it not be well to consider what is to be the end of the undertaking? I have read a story of mystery that told of a magician who summoned at will the evil spirits domiciled in the outer world which fringes the upper atmosphere. Day after day their ferocity grew, until in a frolicsome riot they murdered their earthly friend. His fate should give us pause. If we shall by force put the fingers of the State into the banking business, we must expect to find the imprint of the bankers' fingers in the State's business. The inexorable law of self-protection will force the bankers to seek to control the banking department, and to that end they would find it necessary to control every other department of State, including the executive office. An unending fight would come between the banks and the people, and there is reasonable ground for fear that the people would lose oftener than

they would win. Why should we invite such a controversy when it presages nothing but evil to the public interest?

A HOROSCOPE.

If this or any other similar measure should ever be adopted in Texas, it lies not in the imagination of man to foresee all of the evil consequences, but some of them may be anticipated with certainty.

Its first result will be to produce a general feeling of anxiety and apprehension in the business circles of this State, which will manifest itself in a practical way in a check upon investments and upon progressive movements of every sort. No revolution of such magnitude as this proposes was ever accomplished without drawing beads of blood from the ranks of industry and commerce and labor everywhere. The most sensitive point of our whole industrial system is at the money exchanges. A clog of ten minutes there sends a thrill of anxiety throughout the country, a clog of thirty minutes begins liquidation. A clog of twelve hours means a panic. Those in the Legislature and out of it who are dealing with this measure as though it were a local hog law, who are voting for it and talking for it without reading and understanding or even asking about its provisions, are playing with fire that unless checked will soon illuminate our prairies and our forests with a conflagration that will exhaust all of our energies for many years to come. It is easy to go forward, but it will not be easy to retrace our steps. One or two timid, hesitating men in this Senate anxious to please some one who wears the emblems of authority, frightened by a petition which was signed, good-naturedly, by somebody who took no trouble to find out what it proposed, at the instance of somebody who did not care what it proposed, and prepared by somebody who proposes to get and to keep office forever if he can deceive the people forever, may play havoc with the dearest interests of the State, and start us on a journey in an unknown sea, for which we have neither chart, nor rudder, nor anchor, nor pilot.

While we cannot anticipate all that this measure would accomplish, some results we may foreknow.

If serious depression comes, such as we had in 1907, this measure would produce a run on banks from one end of the State to the other. When storm and tempest come, the talk of percentages of loss and funds represented by paper cred-

its will sound to a disturbed people as driveling idiocy. They will put this brazen scheme to the test. They will demand their money at the windows of five hundred banks or more, and they will not get it. And then—what then? They will turn to the Banking Commissioner and say: "Redeem the promise of the State." May Providence then preserve him from the popular wrath if he should happen to be in any way responsible for this monumental sham and fraud. He will tender them cartloads of certificates but they will not accept, and they will confront the State with armies of pleading, angry citizens who will say: "You promised us money, not certificates; you promised to give us solvent banks that would never close. You, the State, have lied to us and deceived us." And they would tell the truth. Whenever the State adopts this measure it will write into its statutes a monstrous lie, because it will hold out to the public a promise it can never redeem if actual redemption is demanded upon a scale large enough to test the value of the promise.

On the other side, the picture is even darker than on the financial side.

With a departmental and appointive officer of the State in general charge of the banking interests and capital and deposits of the country, an era will be inaugurated which will recall the palmy days of Tweed, and which will cause the achievements of municipal boodlers to pale into insignificance.

Can any intelligent mind fail to understand what this would mean? The time has come to talk plainly, because the welfare of more than three millions of people—soon to increase to five millions—is vitally at stake.

It would mean that the establishment of any important business at any point in the State would soon require a journey to Austin and a conference with the Governor and the Banking Commissioner, and we would have the strange spectacle of communities and private concerns from one end of the State to the other sending delegations to the State Capitol and appealing to the Executive Department of the government for its gracious permission to transact business. Let no man be deceived. Such power as this cannot be lodged in flesh and blood without yielding the inevitable harvest of a reign of absolutism and an increasing flow of graft. Our office-holders have generally been poor men in the past. But if we make this radical change in

our system, they will soon learn the art of growing wealthy on small salaries.

With the mighty power that would be lodged in it through control of the whole industrial system, the political machine at Austin which would result, once organized, would be impregnable. No popular movement would ever be strong enough to dislodge it. Its selfish forces would be too large, its munitions of war too vast, for any organization of disinterested citizens to combat it with success.

I have presented feebly some of the reasons why I believe this to be the most dangerous measure ever offered in the Legislature of a Southern State. It is true that a disposition is shown in some quarters to treat with socialism and to dally with confiscation. These are signs of danger which should admonish us to be on our guard. A bishop of the Northern branch of the Methodist Church once said that when the great crisis which would test the solvency of the American system of government should come the salvation of our institutions would depend upon the farmers of the South. If they ever forget conservatism and forsake prudence in such an hour of trial, there is no power in earth or Heaven which can save the Republic. The danger may be nearer than we think. Evil never sends out scouts to give warning of its approach.

When Paul stood before Agrippa, charged with offense against the Jewish law, he proudly replied that he was being judged "for the hope of the promise made of God unto our fathers." A Pharisee of the Pharisees, he pleaded the best hope of the ancient faith—the resurrection of the dead.

At all times and in all places Democracy has proclaimed one gospel which has voiced the best hope of all the millions who have lived and who are yet to live: the hope which stands for the only freedom which makes men truly free—the right to live without abiding under the shadow of governmental despotism, and to die without taking an enforced passage on some chartered ship to the havens of the blest. For that hope we now are judged.

HOW THE FARMERS UNION HAS BEEN TRICKED.

It is unfortunate that the people have not had an opportunity to study and discuss the several measures relating to this subject which have been considered by the Legislature. A matter of such importance should be thoroughly under-

stood, not only by the members of the Legislature, but by the people at large, before a final vote shall be taken.

The assertion has been made that the Farmers Union is behind the Cureton bill, and petitions have been exhibited here from members of the Union purporting to endorse it. I assert without fear of successful contradiction that there is not a branch of the Farmers Union in this State which has, with a clear understanding of its provisions, given it approval or can be brought to endorse it. The official despotism which this measure would establish and the system of official graft which it would promote are more odious to the farmers than to any other class of men. The native freedom of the corn field and the cotton patch can never be harmonized with a system which would create a financial overlord for the entire State, clothed with more arbitrary power than is lodged with any servant of the Czar except one of his metropolitan chiefs of police.

The frequent use of the name of the Farmers Union to coerce the passage of this measure invites the recital of a chapter from recent history which will prove of more than passing interest. In the fall of 1907, Mr. Neill, then and now president of the Texas Branch of the Union, from time to time issued public addresses to the farmers of Texas advising them to hold their cotton for 15 cents. Many of them acted upon this advice. Cotton went not up but down, and general discussion ensued as to the cause of that decline. Mr. Neill and his advisors contended that one of the causes of the fall of cotton was the failure of Texas banks to furnish money to the farmers to enable them to hold their cotton. It is not necessary here to enquire as to the influences which affected the cotton market. The fact of interest here is that Mr. Neill and his associates adopted the theory that the failure of Texas banks to advance money on cotton was a potential factor in the decline. I confess that I was unable to comprehend why any one connected with the Farmers Union should take any special interest in the Cureton bill until I made the discovery of a most astounding provision in that bill. It is labeled in lengthy phrase a bill for the protection of depositors and to increase the safeguards to be thrown around the banks. Not until the bill had passed the House, and several days after it had been projected upon the Senate, did I discover that its most significant section had nothing to do with security for

deposits, but contained a provision to abolish all safeguards touching loans to be made upon cotton stored in warehouses.

The national bank law provides that a bank may loan not exceeding 10 per cent of its capital and surplus to one concern. The State law provides that it may loan 25 per cent of its capital and surplus to one concern. The Cureton bill proposes to amend the State law on this subject, and in order that I may not be charged with the slightest injustice to its provisions, I quote the material features of this proposed amendment:

"Section 32. Section 53 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 53. No incorporated bank nor trust company, organized under this act shall loan its money to any individual, corporation or company, directly or indirectly, or permit any individual, corporation or company to become at any time indebted or liable to it in a sum exceeding 25 per cent of its capital stock or permit a line of loans or credits to any greater amount to any individual, corporation or company. A permanent surplus, the setting apart of which shall have been certified to by the Commissioner of Insurance and Banking, may be taken and considered as a part of the capital stock for the purpose of this section; provided, such surplus is in amount not less than 50 per cent of the capital stock of said bank, provided, that the provisions of this section shall not be construed as in anywise to interfere with the rules and regulations of any clearing association in this State in reference to the daily balances between banks, and that this section shall not apply to balances due from correspondents subject to draft, and that the discounting of the following classes of paper shall not be included in the limitation placed upon loans or credits by this section, viz.:

"1. The discount of bills of exchange drawn in good faith against actual existing values.

"2. The discount of paper upon the collateral security of warehouse receipts, or other written instruments conveying a lien with the right to take immediate possession covering agricultural and manufactured products in store in elevators and warehouses, or conveniently deposited elsewhere under the following conditions:

"(a) That the actual market value of the property held in store and covered by such receipts, if other than cotton or cotton seed products, shall at all times exceed by at least 25 per cent the amount loaned upon the same, and if it be cotton or cotton seed products it shall at least equal 90 per cent of the amount loaned upon the same."

This remarkable provision would make available all of the resources of any State bank to lend upon cotton in warehouses at the ratio of 110 per cent (90 per cent was intended) of its market value to a single concern. No cotton plunger ever dared to take such a leap as this. No banker would ever make such a loan unless he should do it in anticipation of failure.

Clearly this section was not inserted in the bill for the benefit of the depositors, but ostensibly for the benefit of borrowers. Who put it there, and why was it put there? Can the Governor tell us? Two of the most conspicuous advocates of the bill served on the Free Conference Committee to which it was referred during the closing days of the First Called Session of the Legislature. They are named on the frontispiece as authors of the bill. When they were asked by me about the reasons for this section they both disclosed in the Free Conference that they were wholly ignorant of its existence, and as soon as their attention was called to it, they promptly avowed a willingness to cut it out of the bill. But, notwithstanding they declined to endorse it, and were willing to sacrifice it on the spot, it is noteworthy that it now reappears in the bill which lately passed the House and is now pending in the Senate.

A few days ago, I chanced to meet a friend who stands high in the councils of the Farmers' Union, who stated that he had participated in a meeting of his Local Union which had endorsed the Cureton bill. I asked him the grounds of endorsement, and he replied that it was because the representation was made that under the provisions of the bill the farmers would be able to convert instantly at the bank their warehouse certificates for cotton into loans of cash at the ratio of 90 per cent of the market value of the cotton.

This, then, is the leverage which has been used to trick the farmers into seeming endorsement of this measure. When they learn how shamelessly they have been duped, what will they have to say? What will be their final judgment upon a sham and a fraud which promises

them loans upon cotton that will never materialize, and were never expected to materialize? What will be their final opinion of the politicians who have contributed to entrap them into giving the color of their endorsement to a mammoth fraud through the use of such a scurvy trick?

The attempt to deceive the farmers is not limited, it seems, to representations concerning large loans to be made on cotton. The proceedings of the Bowie County Farmers' Union in session at New Boston on April 10, are instructive. The following resolutions were adopted:

"Whereas, There is a bill pending before the Legislature known as House bill No. 1, for the guaranteeing of deposits in the Texas banks, known as the Cureton bill;

"Whereas, We believe it is just and right that the banks insure deposits as the United States Government, the State and county require all banks to insure their deposits; therefore, be it

"Resolved, That we, the members of the Bowie County Union, do honorably petition for our State Senators and Representatives to vote for said bill.

"Resolved further, That the Bowie County Union do appreciate the honest, faithful and conscientious efforts of Governor T. M. Campbell in trying to have the above bank guarantee bill enacted into a law, as we firmly believe it will be of inestimable advantage to those who produce something to sell."

Who told those farmers that the Cureton bill would provide the same kind of security for their deposits that is now given for the deposits of the State and county? The Senter-Hume bill does that, but the Cureton bill, alas! It furnishes no security, it provides no fund; it relies solely on confidence and paper entries. What would those Bowie county farmers have said if they had known the truth? They were in earnest, and they knew what they wanted. They know security when they see it. They demanded security as good as the best—the security that is required for the deposits of the State, the county and the municipality. They are right about it. All thinking persons who give any thought to the subject cannot fail to reach the same conclusion. Security that spells dollars, real dollars, in the hour of trouble, is the only guaranty that counts with practical men.

In the light of these revelations, the question is pertinent: Who was the author of this scheme to bamboozle and trick the farmers? Can the Governor

tell us? If he is wholly in the dark, possibly his banking commissioner can throw some light on the subject.

Conclusive evidence that the support given by certain officials of the Farmers' Union to the Cureton bill was induced by the provisions for excessive loans on cotton which I have quoted is furnished by the following letter:

"Farmers' Educational and Co-operative Union of Texas.

"Ft. Worth, Texas, March 23, '09.

"Hon. E. G. Senter, Austin, Texas.

"Dear Sir: You have heard the testimony of the bankers who said they saw the panic of 1907 coming for more than two years; yet they made no effort whatever to inform the people or to prepare the people for the coming storm. They deliberately shipped their money to New York in the face of the fact that they saw a financial storm brewing. They shipped their money to New York then deliberately locked up the people's money and refused to pay checks upon demand. They deliberately tied up the people's money; they deliberately destroyed markets for the time being, and had it not been for the organization of the people the country would have been plunged into bankruptcy.

"The farmers of Texas want the Cureton bank law as it is without amendment. It will give protection to the depositor and yield protection to the country.

"They appeal to you to pass this bill and the great common people of Texas will rise up and call you blessed.

"D. J. NEILL, President,

"C. SMITH, Sec'y-Treas.,

"JOE E. EDMONSON,

"Gen. Org. and Lec."

This letter candidly declares the object of the writers in endorsing the Cureton bill. It states no interest in the question of security for deposits, but contends for larger loans to applicants for money. In this view, the bill is shown to be not a measure in behalf of depositors, but to compel the banks to lend money against their will and in amounts and under circumstances that would inevitably produce bankruptcy. In a statement recently given to the press, Mr. Neill said: "One provision (of the Cureton bill) which is peculiarly desired by the farming interests is that it increases the percentage of the value that may be loaned on cotton and cotton seed products from 75 per cent to 90 per cent."

I remit to every thinking man the duty of determining what judgment should be rendered against the politicians who contrived this artful scheme. Mr. Neill and his associates have been entirely candid, but what irony veils the language of the proponents of this measure when they accuse others of supporting a sham and a fraud.

That there may be no mistake about this matter, I reduce the substance of these statements to a direct charge.

I charge that the section providing for excessive loans on cotton was written in the Cureton bill by the Banking Commissioner, Mr. Love, to trick the Farmers' Union into giving it support; that he has been active in securing petitions from members of the Union based upon this provision of the bill, that it was written in the bill some time after he had called a conference of bankers at Austin to hear his original bill, and that the original draft of the bill contained no hint of this extraordinary proposal. I further charge that there has never been any expectation of holding this section in the bill, that it was a cunning scheme of the Banking Commissioner to capture the support of the officials of the Farmers' Union and to trick the farmers into the signature of petitions for the passage of the bill without amendments.

I challenge the Governor and his Banking Commissioner to deny these statements and to invite publicity touching the facts upon which they are based.

I also challenge them to say publicly whether they approve or disapprove this provision of the bill.

SCHEMING FOR AN EASY FALL

During the closing hours of the First Called Session of the Legislature, the proponents of the Cureton bill tendered a hybrid measure which masqueraded as a compromise. It was an artfully conceived scheme to win by strategy what had been lost in open contest. If it is just and wise to force by law a general co-partnership of the banks it should be done with the emergency clause and not on the installment plan.

The Oklahoma idea is to create a fund on paper for the payment of depositors, and to collect money as needed to pay depositors with claims against a suspended bank by assessments upon the banks which remain open.

The plan which has been approved by

the Senate is to require each bank to furnish its own guaranty, and to enforce an abundant guaranty. It would be as impossible to mix permanently oil and water as to bring these two methods into a consistent system. They are antagonistic in principle, and at right angles with each other at every point.

There can be no compromise between Democracy and Socialism, no alliance or peace between the advocates of confiscation and the defenders of the right of private title to property. Whether the proposal to take from one concern to pay the debts of another be mandatory or cloaked in the velvety deceit of a voluntary plan, it is steeped to the brim with socialism and permits of no dalliance from a Democratic standpoint.

The shrewd politicians who attempted to railroad through the First Called Session of the Legislature this socialistic scheme without giving the public a chance to understand it are even now adroitly seeking to accomplish by strategy the ends which were defeated in the first struggle through the courageous attitude of seventeen members of the Senate. They are now whispering siren words of compromise in the hope of securing some sort of seeming approval here for their discredited project, and that it will thereby escape the critical analysis of public discussion.

These gentlemen talk glibly of public sentiment, but they do not dare to invoke its direct action. They prate about the sufficiency of the guaranty which they offer, but they do not dare to invite the rays of the calcium of the public eye upon the mass of odious and undemocratic detail which they have patched together in a crazy-quilt of forty-two sections under the label of a bill for the protection of depositors. The Governor asserts that "the issue here is understood by the people," but he does not dare to go before the people on this issue. On the floor of the Senate about two weeks ago I predicted that every man connected with the authorship of the Cureton bill, and every man in the Legislature who has voted for it, and every man out of the Legislature who has used his influence, officially or otherwise, in its favor, will be pleading either the baby act or an alibi before two years shall have passed, and I now repeat that prediction. However, if I am mistaken about that, I and others who are standing for the maintenance of the fire tested and time honored principles of Democracy, will be glad to join issue upon this question with our opponents

before the people. Let the light pour in. Let the people speak. Let fall

"The weapon which comes down as still
As snowflakes fall upon the sod,
And executes a freeman's will

As lightning does the wrath of God;
And from its force nor doors, nor locks
Can shield you—'tis the ballot box."

COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, May 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 75, A bill to be entitled "An Act creating the North Zulch Independent School District in Madison county, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Harper, Veale, Sturgeon, Weinert, Brachfield, Bryan.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, May 6, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.
Bryan.
Cofe.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Musterson.
Mayfield.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Real.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

Morning call concluded.

POINT OF ORDER ON BANK BILL SUSTAINED.

The Chair (Lieutenant Governor Davidson) here announced the following ruling on the point of order by Senator Terrell of McLennan on Senate bill No. 4, known as the guaranty bank bill (see Journal of yesterday for point of order):

The point of order by the Senator from McLennan (Terrell) on the bill known as the bank guaranty bill, that the bill having passed the Senate and transmitted to the House of Representatives and under consideration both in the committee and on the floor of the House has been so changed that it becomes a substitute or new bill, and therefore can not go to a Free Conference Committee at present, but to the Committee on Insurance, Statistics and History, to which it belongs, has been thoroughly considered by the Chair and the Chair rules that under Senate Rule 28, which is as follows:

"A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof when first introduced; if a House bill, the reading thereof when transmitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee."

And Senate Rule 34, which is as follows:

"When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill."

Upon an examination of the Journal of the House, as well as an examination of the bill itself as reported back from the House and now under consideration under this point of order, and a comparison of it with the original bill as passed by the Senate, it is shown that there is practically not one sentence

left in the bill, except the following language: "Senate bill No. 4" and "be it enacted by the Legislature of the State of Texas," and the sections in the original bill referring to the bond system of guaranty.

The Chair is of the opinion that this bill comes within the terms of Senate Rule 34 above quoted, and requires the Chair to refer it to the proper committee, rather than that the Senate should concur, or refuse to concur, in the House amendments and ask for a Free Conference Committee as has been moved by other Senators.

So long as I have the pleasure and honor to occupy this Chair, I shall endeavor to the best of my ability to follow rigidly the constitutional requirements and the requirements of the rules of this body to the end that legislation may be constitutionally and legally considered and disposed of.

The Chair supposes that the House changed this bill with the rules before it, knowing full well the consequences of such change.

The Chair is not one of those connected in any way with legislation who believes that the Legislature should convert itself into a legislative thrashing machine, feeding through the legislative body laws without regard as to whether the bundles go in head first or not, but rather should proceed with its business along careful and dignified lines to the end that the interests of the people of this great State may not be jeopardized by hasty and inconsiderate legislation. The Constitution so contemplated and hedged it about, and the rules, which are wise ones, so require it to act.

The bill, therefore, as required by the Constitution and these rules, will be read and referred to the Committee on Insurance, Statistics and History, to which it belongs, as the Chair holds that the point of order under consideration is well taken.

Respectfully submitted.

A. B. DAVIDSON,
President of the Senate.

In accordance with the above ruling, the Chair (Lieutenant Governor Davidson) directed the bill to be read, and pending the referring to the bill.

Senator Harper moved that the Senate rule, with reference to referring substitute bills, be suspended, and that the bill be placed before the Senate at once.

Senator Watson made the point of order on the motion that same sought to change the rules of Senate, and that

could not be done without one day's notice.

The Chair sustained the point of order, holding that the bill would have to take its course in the committee, which was in line with the above quoted ruling.

The Chair then referred Senate bill No. 4 to Committee on Insurance, Statistics and History.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 13, A bill to be entitled "An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act, and declaring an emergency." with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 15.

Senator Senter called up from the table, and the Chair laid before the Senate, on third reading,

House bill No. 15, A bill to be entitled "An Act to amend Subdivision 6, Section 8 of Article 2, Chapter 71 of the local and special laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas; repealing all laws or parts of laws in conflict herewith,' and declaring an emergency."

The bill was read, and

Senator Senter offered the following amendment:

Amend the bill, Section 1, Subdivision 6, at the end of the first sentence in said subdivision, which concludes as follows: "Provided, that in the event any street railway company in said city of Dallas, Dallas county, Texas, shall hereafter build new lines of street railway, or extend its line of railway therein, this subdivision shall not be construed

to require the payment of any such gross receipts tax upon receipts arising from the operation of that part of its mileage and lines which were constructed and in operation before the passage of this act at the Regular Session of the Thirtieth Legislature of the State of Texas."

By inserting after the foregoing words the following words: "Provided, further, that whenever any such new franchise shall be granted to any street railway corporation using or holding any other street railway franchise at the time, the board of commissioners shall prescribe rules and regulations for determining the amount of receipts arising from the use of such new franchise, and provided that any such new franchise shall never be granted for a period which will extend beyond the life of any street railway franchise held or used by any street railway company applying for and receiving such new or additional franchise."

The amendment was adopted by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Bryan.	Watson.
Veale.	

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Stokes.

Sturgeon.
Terrell of Bowie.
Thomas.

Ward.
Weinert.
Willacy.

Absent.

Terrell of McLennan. Watson.
Veale.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXECUTIVE SESSION—TIME SET FOR.

Senator Peeler here moved that the Senate go into Executive Session tomorrow at 11 o'clock, for the purpose of considering appointments sent to the Senate by the Governor on yesterday.

The motion was adopted.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, as unfinished business, the question being on the amendment by Senator Hudspeth, et al. (See Journal of yesterday for amendment.)

(Senator Hume in the chair.)

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 71, A bill to be entitled "An Act to amend Section 2 of House bill No. 68, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of licenses, and fixing penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency,' approved February 24, 1909, so that said Section 2 of said act shall read as follows."

House bill No. 81, A bill to be entitled "An Act to amend the city charter of the city of Greenville and the acts amendatory of said city charter of the city of Greenville, and to amend an act to amend charter, approved the 22d day of March, 1909, by amending Section 1

of Article 3, Section 13a of Article 10 and Subdivision 18 of Section 15 of Article 10, and repealing an act amending said charter, approved April, 1909, and declaring an emergency."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Senator Hume) had referred, after their captions had been read the following bills (see above House message for captions of):

House bill No. 71, referred to Judiciary Committee No. 2.

House bill No. 81, referred to Committee on Towns and City Corporations.

SENATE BILL NO. 13—HOUSE AMENDMENTS CONCURRED IN.

Senator Terrell of McLennan called up Senate bill No. 13, A bill to be entitled "An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act, and declaring an emergency."

And moved that the Senate concur in the following House amendment:

Amend Section 1, after the words "traveling public" by inserting the following: "Provided further, that said railroad companies shall keep and maintain separate apartments in such depot buildings for the use of white passengers and negro passengers."

The motion to concur prevailed by the following vote:

Yeas—27.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.

Meachum.
Murray.
Paulus.
Peeler.
Perkins.
Real.
Senter.
Stokes.
Sturgeon.
Terrell of McLennan.
Ward.
Weinert.
Willacy.

Absent.

Terrell of Bowie. Veale.
Thomas. Watson.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on the amendment by Senator Hudspeth, et al.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, May 6, 1909.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation thereon, the following subject:

1. Legislation creating an independent school district for free school purposes only in the county of Tarrant, to be known as the Mansfield Independent School District, with all the necessary rights, powers and duties of independent school districts created by law.

T. M. CAMPBELL,
Governor of Texas.

RECESS.

On motion of Senator Sturgeon, the Senate recessed until 4 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

REFUSE TO ADJOURN.

Senator Kellie moved that the Senate adjourn until 10 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—4.

Hume. Murray.
Kellie. Weinert.

Nays—24.

Adams. Harper.
Alexander. Hayter.
Cofer. Holsey.
Greer. Hudspeth.

Masterson.
Mayfield.
Meachum.
Paulus.
Peeler.
Perkins.
Real.
Senter.

Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Thomas.
Ward.
Watson.
Willacy.

Absent.

Brachfield.
Bryan.

Veale.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement and collection of such assessments, and to provide for the submission thereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency," with amendments.

House concurs in Senate amendments to House bill No. 15 by the following vote: Yeas, 90; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS AND RESOLUTIONS.

(By unanimous consent after the morning call had been concluded.)

By Senator Alexander:

Senate bill No. 43, A bill to be entitled "An Act creating an independent school district for free school purposes only in the county of Tarrant, to be known as the Mansfield Independent School District and to have all the rights, powers and duties of independent school districts formed by general laws, or by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

Ward.
Watson.

Weinert.
Willacy.

Absent.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, May 6, 1909.

To the Legislature:

By virtue of authority vested in me as Governor by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation thereon, the following subject:

1. Legislation amending Section 114 and Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature as amended by Chapter 177 of the Acts of the Thirtieth Legislature, relating to the manner of holding elections; and legislation amending Section 126 of Chapter 11 of the General Laws of Texas of the First Called Session of the Twenty-ninth Legislature, and also amending Section 141 of said Chapter 11 as passed by the First Called Session of the Twenty-ninth Legislature, and as amended by Chapter 177 of the Acts of the Thirtieth Legislature; all relating to elections and to contests in primary elections.

A bill covering the subjects here submitted was passed at the Regular Session of this Legislature, but was vetoed on account of errors, both in the caption and the bill.

T. M. CAMPBELL.
Governor of Texas.

HOUSE BILL NO. 78.

On motion of Senator Adams, the regular order of business (House bill No. 18) was suspended, and the Senate took up, out of its order, House bill No. 78, by the following vote:

Yeas—28.

Adams.
Alexander.
Bryan.
Cofer.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.

Mayfield.
Meachum.
Murray.
Paulus.
Peeler.
Perkins.
Real.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Thomas.

Brachfield. Real.
Terrell of McLennan.

On motion of Senator Adams, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Brachfield. Veale.
Sturgeon.

The Chair laid before the Senate, on second reading,

House bill No. 78, A bill to be entitled "An Act to abolish the Alexander Independent School District in Erath county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Adams, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Masterson.
Alexander.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Stokes.
Kellie.	Sturgeon.

Terrell of Bowie. **Watson.**
Terrell of McLennan. **Weinert.**
Thomas. **Willacy.**
Ward.

Absent.

Brachfield. **Veale.**

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Brachfield. **Veale.**

Senator Adams moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 39—HOUSE AMENDMENTS CONCURRED IN.

Senator Sturgeon called up

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property, and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement of the collection of such assessments, and to provide for the submission hereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 39, page 3, line 3, after the word "their" by adding the word "abutting."

Amend Senate bill No. 39, page 3, line 6, by adding after the word "on" in said line the following words: "Which

rate of interest shall not exceed 8 per centum per annum.

Amend Senate bill No. 39, page 5, lines 5 and 6, by striking out the words "with" and "a regular election or."

Amend Senate bill No. 39, page 8, by inserting after the word "paper" the following: "Published in the city, town or village where such tax is sought to be improved, if there be such a paper, then if not, the nearest one to said city, town or village."

Amend by striking out "freeholder" wherever it occurs in the bill and the caption and insert "resident property taxpayers."

Amend caption of Senate bill No. 39 by inserting in line 16 after the word "the" the following words: "Resident freeholders who are."

Amend Senate bill No. 39, Section 11, by inserting in line 8 of said section after the word "the" the following words: "Resident freeholders who are."

The motion to concur prevailed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Thomas.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Brachfield. **Ward.**
Terrell of McLennan. **Willacy.**
Veale.

Senator Sturgeon moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 32.

On motion of Senator Weinert, the pending order of business (House bill No. 18) was suspended, and the Senate took up, out of its order, House bill No. 32, by the following vote:

Yeas—28.

Adams.	Bryan.
Alexander.	Cofer.

Harper.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Thomas.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Absent.

Brachfield.
Greer.

Veale.

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Brachfield.
Greer.Murray.
Veale.

The Chair laid before the Senate on second reading, House bill No. 32.

Senator Hudspeth moved that the bill lay on the table subject to call, and that the bill be printed in the Journal.

The motion was adopted, and the following is the bill in full:

House bill No. 32. By Crockett of Washington, et al.

A BILL

To be Entitled

An Act to appropriate the sum of One Hundred Thousand Dollars (\$100,000) or so much thereof as may be necessary, from the general revenues of the State, to be used in operating the iron industry at the State penitentiary at Rusk, Texas; providing that such

money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of same by the State Treasurer, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of One Hundred Thousand Dollars (\$100,000) or so much thereof as may be necessary is hereby appropriated out of any money in the State Treasury not otherwise appropriated, as an emergency fund, to be used in operating the iron industry at the State Penitentiary at Rusk, Texas, and for no other purpose, and any money so used shall be returned to the general revenue of the State from any available net revenues of the penitentiary system within eighteen months after the passage of this act. This appropriation shall not be considered as a charge against the general revenues of the State, and the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years of 1909 and 1910.

Sec. 2. The Comptroller of Public Accounts is hereby authorized to draw, and the State Treasurer is authorized to pay, warrants upon the State Treasury for said purpose for amounts not exceeding in the aggregate the sum of One Hundred Thousand Dollars (\$100,000), such warrants to be drawn upon vouchers by the proper officers of the penitentiary system as now provided by law.

Sec. 3. The fact that the State's iron industry is now idle for the lack of available funds with which to start its operation, creates an emergency and an imperative public necessity, requiring that the constitutional rule that bills be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

HOUSE BILL NO. 81.

On motion of Senator Perkins, the regular order of business (House bill No. 18) was suspended, and the Senate took up, out of its order, House bill No. 81 by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Greer.	Ward.
Terrell of Bowie.	Watson.
Veale.	

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Greer.	Terrell of Bowie.
Hume.	Veale.

On motion of Senator Perkins, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Perkins.
Hudspeth.	Real.

Senter.	Ward.
Stokes.	Watson.
Sturgeon.	Weinert.
Terrell of McLennan.	Willacy.
Thomas.	

Absent.

Greer.	Terrell of Bowie.
Hume.	Veale.

The Chair laid before the Senate, on second reading,

House bill No. 81, amending the Greenville city charter.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Greer.	Veale.
Hume.	Watson.

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Greer.
Veale.

Watson.

Senator Perkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 71.

On motion of Senator Hayter, the regular order of business (House bill No. 18) was suspended, and the Senate took up, out of its order, House bill No. 71 by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Greer.
Veale.

Watson.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Greer.

Terrell of Bowie.

Veale.

Watson.

On motion of Senator Hayter, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Greer.
Veale.

Watson.

The Chair laid before the Senate, on second reading,

House bill No. 71, A bill to be entitled "An Act to amend Section 2 of House bill No. 68, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of license and fixing penalties for the violation of this act and providing for injunction to prevent its violation, and declaring an emergency,' approved February 24, 1909, so that said Section 2 of said act shall fix places of business of retail dealers in non-intoxicating malt liquors and providing for the issuance of license, fixing penalties, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Hayter.
Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofer.	Kellie.
Harper.	Masterson.

Mayfield.	Stokes.
Meachum.	Sturgeon.
Murray.	Terrell of Bowie.
Paulus.	Terrell of McLennan.
Peeler.	Thomas.
Perkins.	Ward.
Real.	Weinert.
Senter.	Willacy.

Absent.

Greer.	Watson.
Veale.	

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Greer.	Watson.
Veale.	

Senator Hayter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 43.

On motion of Senator Alexander, the regular order of business (House bill No. 18) was suspended, and the Senate took up, out of its order, Senate bill No. 43 by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Greer.	Veale.
Murray.	Watson.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading and final passage by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Greer.	Watson.
Veale.	

On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Greer.	Veale.
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The Chair laid before the Senate, on second reading,

Senate bill No. 43, Mansfield Independent School District bill.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Greer.

Veale.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Greer.

Veale.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on the amendment by Senator Hudspeth et al.

Senator Terrell of Bowie moved the previous question on the amendment,

which motion being duly seconded was so ordered.

The amendment was read and lost by the following vote:

Yeas—14.

Adams.	Murray.
Alexander.	Peeler.
Cofer.	Perkins.
Hume.	Senter.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Meachum.	Watson.

Nays—14.

Brachfield.	Real.
Bryan.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Mayfield.	Weinert.
Paulus.	Willacy.

Absent.

Greer.

PAIRED.

Senator Hudspeth (present), who would vote "yea," with Senator Veale (absent), who would vote "nay."

The vote being a tie, Lieutenant Governor Davidson, presiding, voted "nay," and declared the amendment lost.

Senator Terrell of Bowie moved that the Texas University item be adopted, and Senator Murray moved, as a substitute, that the item be passed. The substitute motion was adopted.

Medical Department at Galveston—No amendments and item passed.
(Senator Hume in the chair.)

SAM HOUSTON NORMAL.

Senator Kellie offered the following amendment:

Amend the bill by striking out line 24, page 27.

(Lieutenant Governor Davidson in the chair.)

Senator Brachfield moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—11.

Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Terrell of McLennan.
Holsey.	Ward.
Hume.	Weinert.
Kellie.	

Nays—19.

Adams.	Perkins.
Alexander.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Masterson.	Thomas.
Mayfield.	Watson.
Meachum.	Willacy.
Peeler.	

Absent.

Veale.

Action recurred on the amendment by Senator Kellie to the Sam Houston Normal.

Senator Meachum moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—8.

Bryan.	Murray.
Holsey.	Peeler.
Hume.	Senter.
Kellie.	Thomas.

Absent.

Veale. Watson.

Senator Cofer offered the following amendment:

Amend Senate substitute to House bill No. 18, page 26, line 25, by striking out "\$230,000" for each year and inserting in lieu thereof "\$260,000" for each year.

HUDSPETH,
COFER,
HUME,
ALEXANDER,
PEELER.

Senator Harper made a point of order on the amendment, that the department referred to had been passed, but the Chair overruled same.

Senator Terrell of McLennan moved the previous question on the amend-

ment, which motion being duly seconded, was so ordered.

The amendment was read and adopted by the following vote:

Yeas—16.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Senter.
Hume.	Stokes.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Nays—13.

Brachfield.	Paulus.
Bryan.	Real.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Weinert.
Mayfield.	

PAIRED.

Senator Hudspeth (present), who would vote "yea," with Senator Veale (absent), who would vote "nay."

Senator Terrell of McLennan moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 51, A bill to be entitled "An Act relating to, and to provide for a more systematic, efficient and economical method of bookkeeping and accounting for the General Land Office of the State of Texas, as pertains to the keeping of accounts and data relative to the public lands of the State, the sales thereof, and payment and collection of principal and interest thereon, and providing for forfeiture and cancellation of sales; repealing Article 4046 of Chapter 2 of Title 87 of the Revised Civil Statutes of 1895, relating to the filing and endorsement of papers and documents placed in the General Land Office; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 52, A bill to be entitled "An Act to amend Articles 3923, 3924, 3926a and 3926b, and to repeal Article 3924a of Chapter 8, Title 86 of the Revised Statutes of 1895; providing a system of apportioning, distributing and accounting of the available school fund of the State, county, city and school districts; providing procedure; prescribing duties of Superintendent of Public Instruction, Comptroller and treasurers of school funds."

Respectfully,
BOB BARKER,
 Chief Clerk, House of Representatives.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 17, "An Act to amend Article 642 of the Revised Civil Statutes of Texas of 1895, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 15, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

Senate bill No. 39, "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property, and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement of the collection of such assessments, and to provide for the submission hereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency."

House bill No. 75, "An Act creating the North Zulch Independent School District in Madison county, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency."

House bill No. 14, "An Act to grant a charter to the city of Amarillo, Potter county, Texas; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Kellie, the Senate adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 71, A bill to be entitled "An Act to amend Section 2 of House bill No. 68, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of license and fixing penalties for the violation of this act and providing for injunction to prevent its violation, and declaring an emergency,' approved February 24, 1909, so that said Section 2 of said act shall fix place of business of retail dealers in non-intoxicating malt liquors and providing for the issuance of license, fixing penalties and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Harper, Chairman; Stokes, Sturgeon, Greer, Murray, Senter, Hudspeth.

(Floor Report.)

Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 43, A bill to be entitled "An Act creating an independent school district for free school purposes only in the county of Tarrant, to be known as the Mansfield Independent School District, and to have all the rights, powers and duties of independent school dis-

tricts formed by general laws, or by the corporation of towns and villages for free school purposes only, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Alexander, Chairman; Hume, Harper, Real, Bryan, Weinert, Sturgeon.

(Floor Report.)

Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 81, A bill to be entitled "An Act to amend the city charter of the city of Greenville and the acts amendatory of said city charter of the city of Greenville, and to amend an act to amend said charter, approved the 22d day of March, 1909, by amending Section 1 of Article 3, Section 13a of Article 10 and repealing an act amending said charter, approved April 28, 1909, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Senter, Chairman; Terrell of McLennan, Cofer, Real, Hume, Sturgeon, Peeler, Masterson, Holsey, Willacy, Alexander.

(Floor Report.)

Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We your Committee on Educational Affairs, to whom was referred

House bill No. 78, A bill to be entitled "An Act to abolish the Alexander Independent School District in Erath county, Texas, and declaring an emergency,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Alexander, Chairman; Sturgeon, Weinert, Brachfield, Harper, Bryan, Real.

(Floor Report.)

Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

House bill No. 32, A bill to be entitled

"An Act to appropriate the sum of One Hundred Thousand Dollars (\$100,000) or so much thereof as may be necessary, from the general revenue of the State to be used in operating the iron industry at the State penitentiary at Rusk, Texas; providing that such money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of the same by the State Treasurer, and declaring an emergency,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Weinert, Chairman; Brachfield, Mayfield, Meachum, Stokes, Terrell of McLennan, Hume, Paulus.

(Floor Report.)

Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

House bill No. 48, A bill to be entitled "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be not printed.

Watson, Chairman; Terrell of Bowie, Willacy, Masterson, Harper, Sturgeon, Perkins, Peeler, Ward, Paulus.

PETITIONS AND MEMORIALS.

By Senator Bryan:

To the Honorable Senate and House of Representatives, Austin, Texas.

Gentlemen: The undersigned citizens, voters and taxpayers of Haskell county, Texas, respectfully ask that your honorable bodies unite in the enactment

of a law providing for the guaranteeing of bank deposits.

We, with what we know to be a very large majority of the people of this section, desire a law which will provide a fund for the immediate payment of depositors upon the failure or suspension of a bank, a law based on the mutual guarantee principle, and not a bonding law which will entail delay and possibly litigation before depositors can be paid.

We believe that such law will promote and restore confidence among the masses and prove inestimably beneficial to the country, and we believe it to be your duty to enact such law.

Numerously signed.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, May 7, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowls.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Meachum.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

Morning call concluded.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills

(see Fourth House Message of yesterday for captions of):

House bill No. 51, referred to Committee on State Affairs.

House bill No. 52, referred to Committee on State Affairs.

Here the Senate stood at ease for 30 minutes, on motion of Senator Watson. The Senate was again called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 53, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the State Treasurer, and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties; providing methods for the receiving and handling of all funds, warrants and other claims."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House Message for caption):

House bill No. 53, referred to Committee on State Affairs.

HOUSE BILL NO. 18.

Action then recurred on House bill No. 18, the question being on Sam Houston Normal, and there being no more amendments, this department was passed.

NORTH TEXAS STATE NORMAL.

Senator Kellie offered the following amendment:

Amend the bill by striking out line 18, page 28.

(Senator Cofer in the chair.)

Senator Hayter moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—22.

Adams.	Perkins.
Alexander.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—6.

Bryan.	Kellie.
Holsey.	Murray.
Hume.	Senter.

Absent.

Brachfield.	Veale.
Meachum.	

There being no other amendments to this department, the same was passed on motion of Senator Hayter.

THE SOUTHWEST TEXAS NORMAL SCHOOL AT SAN MARCOS.

Senator Paulus offered the following amendment, which was read and adopted:

Amend the bill, page 30, by adding between lines 7 and 8 the following:

"Providing that the State Board of Education shall have the principals of these Normal Schools so arrange the courses of study that hereafter the same uniform course of study shall be used in each of said Normals."

PAULUS,
WEINERT.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, lines 16 to 18, page 29, by striking out said lines and insert the following:

"For buying a plot or plots of ground as near the Southwest Normal grounds as will be practicably convenient for the students of said Normal, said lots to be used for athletics and experiments in agriculture, \$1500, or so much thereof as may be necessary."

ALEXANDER,
WEINERT.

There being no other amendments, this department was passed, on motion of Senator Weinert.

EXECUTIVE SESSION.

Here the Chair announced that the hour for the Senate to go into Executive Session had arrived, and directed that the chamber be cleared of all not entitled to remain.

In Executive Session the following confirmation was made:

Walter Tips to be member of Board of Penitentiary Commissioners.

IN THE SENATE.

HOUSE BILL NO. 51.

On motion of Senator Bryan, the pending order of business (House bill No. 18) was suspended, and the Senate took up, out of its order, House bill No. 51 by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	

Absent.

Brachfield.	Sturgeon.
Meachum.	Veale.
Paulus.	Willacy.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Brachfield.	Paulus.
Cofer.	Sturgeon.
Meachum.	Veale.

(Senator Weinert in the chair.)

On motion of Senator Bryan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Brachfield.	Sturgeon.
Cofer.	Veale.
Meachum.	

The Chair laid before the Senate, on second reading,

House bill No. 51, A bill to be entitled "An Act relating to, and to provide for a more systematic, efficient and economical method of bookkeeping and accounting for the General Land Office of the State of Texas, as pertains to the keeping of accounts and data relative to the public lands of the State, the sales thereof, and payment and collection of principal and interest thereon, and providing for forfeiture and cancellation of sales; repealing Article 4046 of Chapter 2 of Title 87 of the Revised Civil Statutes of 1895, relating to the filing and endorsement of papers and documents placed in the General Land Office; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

(Senator Cofer in the chair.)

Senator Hudspeth offered the following amendment:

Amend House bill No. 51, Section 1, line 5, by striking out the following words: "in Austin."

Also strike out of Section 2, page 2, the words: "in Austin."

Also strike out of Section 4, page 3, the words "in Austin."

Pending discussion on the above bill. Senator Bryan moved that the bill be laid on the table subject to call following the final consideration of the general appropriation bill.

The motion was adopted.

HOUSE BILL NO. 18.

Action then recurred on House bill No. 18, the question being on the

GIRLS' INDUSTRIAL COLLEGE.

Senator Hayter offered the following amendment:

Amend the bill, page 32, line 4, by striking out the following figures: "\$35,000" and insert in lieu thereof "\$50,000."

Senator Kellie moved to table the amendment, which motion to table was lost by the following vote:

Yeas—8.

Holsey.	Paulus.
Kellie.	Stokes.
Mayfield.	Sturgeon.
Murray.	Thomas.

Nays—20.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Masterson.	Willacy.

Absent.

Brachfield.	Veale.
Meachum.	

The amendment was then adopted by the following vote:

Yeas—20.

Adams.	Hume.
Alexander.	Masterson.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.

Ward. Weinert.
Watson. Willacy.

Nays—8.

Holsey. Paulus.
Kellie. Stokes.
Mayfield. Sturgeon.
Murray. Thomas.

Absent.

Brachfield. Veale.
Meachum.

There being no further amendments, the department was passed on motion of Senator Sturgeon.

AGRICULTURAL AND MECHANICAL COLLEGE.

No amendments, and department was passed on motion of Senator Harper.

PRAIRIE VIEW NORMAL (COLORED.)

Senator Kellie offered the following amendment:

Amend the bill by striking out line 27, page 36.

The amendment was tabled, on motion of Senator Willacy.

This department was then passed, on motion of Senator Weinert.

TEXAS STATE BOARD OF HEALTH.

Senator Murray offered the following amendment:

Amend page 40, between lines 23 and 24, by adding the following: "There is hereby appropriated for the use of the State Board of Health the sum of \$5000 for the purposes of investigation and research and for the dissemination of information as to the extent, nature, prevention and cure of tuberculosis in the State of Texas; and for preparing a report of their investigations to be submitted to the next Legislature with recommendations as to the best method of management and control in the prevention of the disease in this State."

Senator Sturgeon moved to table the amendment, which motion was lost by the following vote:

Yeas—10.

Greer. Stokes.
Hudspeth. Sturgeon.
Mayfield. Ward.
Paulus. Watson.
Real. Weinert.

Nays—15.

Adams. Murray.
Bryan. Peeler.
Cofer. Senter.
Harper. Terrell of Bowie.
Hayter. Terrell of McLennan.
Hume. Veale.
Kellie. Willacy.
Masterson.

Absent.

Alexander. Meachum.
Brachfield. Perkins.
Holsey. Thomas.

Pending discussion, Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by adding thereto the following: "Provided, that no extra person shall be employed by the Board of Health to carry out the provisions of this item."

Senator Watson offered the following substitute for the amendment to the amendment:

Amend the amendment by adding at the end thereof the following: "Provided that out of said sum there shall be defrayed the necessary expense of displaying the tuberculosis exhibit in different cities and towns in Texas."

Senator Terrell of Bowie made a point of order that the substitute was not germane as a substitute for his amendment to the amendment.

RECESS.

On motion of Senator Mayfield, the Senate recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on a point of order, and Senator Cofer, who was presiding at the time the point of order was made, was called to the chair.

Senator Watson withdrew his substitute for the amendment to the amendment, which eliminated the point of order, and offered the following substitute for the amendment and the amendment to the amendment:

Amend page 40, between lines 23 and 24, by adding the following: "There is hereby appropriated for the use of the State Board of Health the sum of \$2500, to be used in the investigation, research and dissemination of information as to the extent, nature, prevention and cure of tuberculosis in the State of Texas; and for preparing a report of said investigation to be submitted to the Thirty-second Legislature, with recommendations as to the best method of management and control in the prevention of the disease in this State; provided, however, that no portion of said sum shall be used in the payment of any employes not specially provided for the Department of Public Health; and, provided further, that the necessary expense of exhibiting the 'Tuberculosis Exhibit' of the National association shall be paid out of this appropriation."

The substitute for the amendment and the amendment to the amendment was adopted, and the amendment, as substituted was adopted.

Senator Sturgeon here moved that the Senate rescind the vote by which the motion to consider the bill by departments was adopted.

Senator Sturgeon moved the previous question on the above motion, which motion being duly seconded, was so ordered, by the following vote:

Yeas—16.

Adams.	Real.
Alexander.	Senter.
Bryan.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Masterson.	Weinert.
Paulus.	Willacy.

Nays—10.

Cofer.	Murray.
Holsey.	Peeler.
Hudspeth.	Thomas.
Kellie.	Ward.
Mayfield.	Watson.

Absent.

Brachfield.	Perkins.
Hume.	Veale.
Meachum.	

The motion by Senator Sturgeon was adopted by the following vote:

Yeas—18.

Adams.	Real.
Alexander.	Senter.
Bryan.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Hume.	Ward.
Masterson.	Weinert.
Paulus.	Willacy.

Nays—9.

Cofer.	Murray.
Holsey.	Peeler.
Hudspeth.	Thomas.
Kellie.	Watson.
Mayfield.	

Absent.

Brachfield.	Perkins.
Meachum.	Veale.

Senator Sturgeon moved that all of the items be passed down to miscellaneous items, and when these items be considered that the whole bill be subject to amendment.

The motion was adopted.

MISCELLANEOUS ITEMS.

The Chair then laid before the Senate the miscellaneous items.

Senator Watson offered the following amendment:

Amend the bill by adding to miscellaneous items the following: "To repay H. P. Holderman for extra work and material furnished in the construction of associate dining hall and hospital for State Lunatic Asylum at Austin, Texas, said amount to be payable to Mrs. Elizabeth R. Holderman, surviving wife of H. B. Holderman. This appropriation is made in compliance with, and according to the findings of a Board of Arbitrators chosen by the State and Holderman, as is shown by the report and findings of said Board of Arbitrators. The arbitrators being W. S. Drake, James Belger and P. T. Shields. The findings of said arbitrators was dated Austin, Texas. March 18, 1903.....\$10,920.30

Pending discussion, Senator Holsey moved to table the amendment, which motion to table was lost by the following vote:

Yeas—13.

Bryan.	Holsey.
Greer.	Mayfield.
Harper.	Perkins.

Real. Thomas.
Sturgeon. Ward.
Terrell of Bowie. Willacy.
Terrell of McLennan.

Nays—14.

Adams. Masterson.
Alexander. Murray.
Cofer. Paulus.
Hayter. Peeler.
Hudspeth. Stokes.
Hume. Watson.
Kellie. Weinert.

Absent.

Meachum. Veale.

PAIRED.

Senator Senter (present), who would vote "nay," with Senator Brachfield (absent), who would vote "yea."

Senator Alexander offered the following substitute for the amendment:

Substitute for the amendment: "\$10,920.30, or so much thereof as may be necessary, is hereby appropriated for the payment of claim against the State held by the heirs of H. P. Holderman, provided said claim is established by decree of courts of competent jurisdiction and authority is hereby given to said heirs to institute suit against the State of Texas for the recovery of said claim."

Senator Watson made a point of order on the substitute, contending that same was not germane to the general appropriation bill, and that same did not come under the Governor's call, etc.

The Chair (Senator Cofer) sustained the point of order.

Pending discussion, Senator Weinert moved the previous question on the amendment, which motion being duly seconded, was so ordered.

The amendment was then lost by the following vote:

Yeas—12.

Adams. Murray.
Cofer. Paulus.
Hayter. Peeler.
Hudspeth. Stokes.
Hume. Watson.
Kellie. Weinert.

Nays—13.

Alexander. Real.
Bryan. Sturgeon.
Greer. Terrell of Bowie.
Harper. Thomas.
Holsay. Ward.
Mayfield. Willacy.
Perkins.

Absent.

Masterson. Terrell of McLennan.
Meachum. Veale.

PAIRED.

Senator Senter (present), who would vote "yea," with Senator Brachfield (absent), who would vote "nay."

Senator Senter offered the following amendment:

Amend the printed bill, page 96, by inserting as the first item under the miscellaneous items the following: "For the payment and cancellation of the following outstanding bonds of the State of Texas, a part of the public debt: \$645,200, \$188,500, \$41,400, \$22,100, \$20,700, \$15,600, \$135,400, all of which said bonds mature July 1, 1909; total \$1,068,900."

By Senter, Perkins, Kellie, Hayter, Adams, Murray, Hudspeth, Terrell of McLennan and Hume.

Senator Alexander made the point of order on the amendment, contending that same was in conflict with the Constitution, quoting Section 48, Article 3 of the Constitution in support of his point of order.

The Chair (Senator Cofer) overruled the point of order.

Senator Willacy offered the following substitute for the amendment:

Substitute for amendment: "For the payment and cancellation of outstanding bonds of the State of Texas, a part of the public debt, maturing July 1, 1909, \$500,000."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 47, A bill to be entitled "An Act to amend Chapter 144, Section 9 of an act passed by the Thirtieth Legislature, relating to the protection of the wild game within the State of Texas," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Senator Cofer) had referred, after its caption had been read,

the following bill (see above House message for caption of):

House bill No. 47, referred to Judiciary Committee No. 2.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 43, A bill to be entitled "An Act creating an independent school district for free school purposes only in the county of Tarrant, to be known as the Mansfield Independent School District and to have all the rights, powers and duties of independent school districts formed by general laws, or by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 76, A bill to be entitled "An Act to amend Section 126 of Chapter 11 of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature of 1905, entitled 'An Act to regulate elections, general, special and primary, and political conventions, approved April 1, 1903,' and also to amend Section 141 of said Chapter 11 as passed at the First Called Session of the Twenty-ninth Legislature and as amended by the Thirtieth Legislature, approved April 30, 1907, relative to contests in primary elections." with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Senator Cofer) had referred, after its caption had been read, the following bill (see above House message for caption of):

House bill No. 76, referred to Committee on Privileges and Elections.
(Lieutenant Governor Davidson in the chair.)

HOUSE SUBSTITUTE FOR SENATE BILL NO. 4.

Senator Alexander moved that the pending order of business (House bill No. 18) be suspended, and the Senate take up, out of its order, House Substitute for Senate bill No. 4.

Senator Alexander moved the previous question on the above motion, which motion being duly seconded, was so ordered.

The motion to suspend the regular business and take up Senate substitute bill No. 4 was then adopted by the following vote:

Yeas--28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays--1.

Watson.

Absent.

Meachum.

Veale.

On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas--29.

Adams.	Hume.
Alexander.	Kellie.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.

Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Thomas.

Absent.

Meachum. Veale.

The Chair laid before the Senate, on second reading,

House substitute for

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

There being a favorable majority committee report, with amendments and that the bill be not printed, and a favorable minority committee report,

Senator Alexander moved to adopt the majority committee report, and

Senator Mayfield moved, as a substitute, to adopt the minority committee report.

The substitute motion was lost by the following vote:

Yeas—12.

Brachfield.	Mayfield.
Bryan.	Perkins.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Thomas.
Holsey.	Ward.

Nays—17.

Adams.	Peeler.
Alexander.	Real.
Hayter.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Meachum. Veale.

The majority committee report was then adopted by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Meachum. Veale.

Bill read second time, and passed to third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Meachum. Veale.

The bill was read third time, and was passed by the following vote:

Yeas—27.

Adams.	Cofer.
Alexander.	Greer.
Brachfield.	Harper.
Bryan.	Hayter.

Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Thomas.
Murray.	Ward.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—1.

Watson.

Present—Not Voting.

Real.

Absent.

Meachum.

Veale.

Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 2.

By Senator Watson:

Resolved, by the Senate, the House concurring, That Mrs. H. P. Holdeman of Travis county, Texas, be and she is hereby authorized to bring suit against the State of Texas in any court of competent jurisdiction, for the purpose of establishing the validity and equity of a claim against the State of Texas, as the widow of H. P. Holdeman, for the sum of \$13,393.44, together with legal interest thereon from August 1, 1901, for extra work and material furnished the State of Texas in improvements made at the Lunatic Asylum and for the associate dining hall at said asylum which were not included in plans and specifications for same.

Resolved further, That in the trial of said cause, if the plaintiff shall establish her claim for said amount or for any part thereof, but that the claim is barred by limitation or laches, then the same shall be paid nevertheless.

Read first time, and referred to Committee on Public Claims and Debts.

RECESS.

On motion of Senator Stokes, the Senate recessed until 8:30 o'clock tonight.

AFTER RECESS—NIGHT SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on the substitute by Senator Willacy for the amendment by Senator Senter.

Senator Terrell of Bowie moved the previous question on both amendments. The motion was seconded, but the Senate refused to order same by the following vote:

Yeas—12.

Alexander.	Holsey.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Veale.
Greer.	Ward.
Harper.	Willacy.

Nays—12.

Adams.	Murray.
Hayter.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Watson.
Masterson.	Weinert.

Absent.

Mayfield.	Stokes.
Meachum.	Terrell of McLennan.
Paulus.	Thomas.
Perkins.	

The vote being a tie, Lieutenant Governor Davidson, presiding, voted "no" and declared the motion lost.

Action then recurred on the substitute for the amendment.

Senator Hudspeth moved the previous question on the amendment and the substitute for same, which motion being duly seconded, it was so ordered.

Action then recurred on the substitute for the amendment, and the same was lost by the following vote:

Yeas—13.

Alexander.	Sturgeon.
Brachfield.	Terrell of Bowie.
Cofer.	Thomas.
Greer.	Veale.
Holsey.	Ward.
Mayfield.	Willacy.
Stokes.	

Nays—17.

Adams.	Paulus.
Bryan.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	

Absent.

Meachum.

The amendment by Senator Senter, et al., was then adopted by the following vote:

Yeas—17.

Adams.	Paulus.
Bryan.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	
Masterson.	Watson.
Murray.	Weinert.

Nays—13.

Alexander.	Sturgeon.
Brachfield.	Terrell of Bowie.
Cofer.	Thomas.
Greer.	Veale.
Holsey.	Ward.
Mayfield.	Willacy.
Stokes.	

Absent.

Meachum.

Senator Senter moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Peeler offered the following amendment:

Amend the appropriation bill, under the head of Miscellaneous Items, by adding thereto the following:

"It is hereby expressly provided that the appropriation of \$4237.36, made by the Thirtieth Legislature to construct a retaining wall at the foot of Congress avenue, along the front of the State property known as the river walk in the city of Austin, \$2000; for brick paving of street upon which this property abuts, 981 3-10 square yards, at \$2.28 per square yard, \$2237.36, making a total of \$4237.36, shall not lapse at the end of

the fiscal year of 1909, but the amount remaining unused which is now in the State Treasury, out of said appropriation, amounting to \$2237.36, be and the same is hereby appropriated anew and shall be and remain subject to be expended at any time during the fiscal years of 1910 and 1911, under the provisions as hereinabove stated."

The amendment was read and adopted by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—6.

Bryan.	Holsey.
Greer.	Terrell of Bowie.
Harper.	Thomas.

Absent.

Meachum.

There being no more amendments to the miscellaneous items, the same was passed, on motion of Senator Terrell of Bowie.

Senator Hudspeth offered the following amendment:

Amend the bill, page 23, lines 22 and 23, by striking out "\$25,000" for each year and insert in lieu thereof "\$30,000" for each year.

HUDSPETH,
BRYAN.

Senator Terrell of Bowie moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—19.

Adams.	Perkins.
Alexander.	Real.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Mayfield.	Ward.
Murray.	Willacy.
Paulus.	

Nays—9.

Bryan.	Peeler.
Hudspeth.	Stokes.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	

Absent.

Brachfield.	Senter.
Meachum.	

Senator Murray offered the following amendment:

Amend the bill, page 54, line 7, by striking out "\$146,265" for each year and insert in lieu thereof the following: "\$92,920 for each year."

The amendment was read and adopted by the following vote:

Yeas—21.

Adams.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Murray.	Weinert.
Paulus.	

Nays—7.

Alexander.	Terrell of Bowie.
Bryan.	Watson.
Cofer.	Willacy.
Mayfield.	

Absent.

Brachfield.	Senter.
Meachum.	

Senator Cofer offered the following amendment:

Amend committee substitute Senate bill No. 3, page 46, line 18 by inserting after the word "source" the following: "Provided, the said clerk shall pay to the marshal who acts as assistant librarian in addition to the salary above provided the sum of not to exceed \$300 per annum, payable monthly, out of the fees of the clerk's office, and take credit for same in his quarterly report."

Senator Willacy moved to table the amendment, which motion to table was lost by the following vote:

Yeas—14.

Brachfield.	Greer.
Bryan.	Harper.

Hayter.	Stokes.
Holsey.	Sturgeon.
Mayfield.	Terrell of McLennan.
Perkins.	Thomas.
Real.	Willacy.

Nays—14.

Adams.	Murray.
Alexander.	Paulus.
Cofer.	Peeler.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Absent.

Meachum.	Veale.
Senter.	

The amendment was then adopted by the following vote:

Yeas—16.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Nays—12.

Greer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Mayfield.	Thomas.
Perkins.	Veale.

Absent.

Brachfield.	Senter.
Meachum.	

(Senator Hume in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding after line 29, page 98, by inserting the following: "\$11,000, or so much thereof as may be necessary, is hereby appropriated for the payment of claim against the State held by the wife of H. P. Holderman, provided said claim is established by decree of court of competent jurisdiction and authority is hereby given to said heirs to institute suit against the State of Texas for the recovery of said claim."

ALEXANDER,
WATSON,
PEELER.

Senator Terrell of McLennan offered the following amendment:
Strike out all of lines 22 and 23, page 23.

Senator Stokes moved the previous question on the amendment and engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment by Senator Terrell of McLennan was then lost by the following vote:

Yeas—5.

Masterson.	Terrell of McLennan.
Real.	Thomas.
Terrell of Bowie.	

Nays—23.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Mayfield.	

Absent.

Brachfield.	Senter.
Meachum.	

Bill read second time, and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Brachfield.	Senter.
Meachum.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—2.

Holsey.	Mayfield.
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Absent.

Brachfield.	Senter.
Meachum.	Stokes.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 15, "An Act to amend Subdivision 6, Section 8, Article 2, Chapter 71 of the local and special laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas; repealing all laws or parts of laws in conflict herewith,' and declaring an emergency."

Senate bill No. 13, "An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act, and declaring an emergency."

House bill No. 78, "An Act to abolish the Alexander Independent School District in Erath county, Texas, and declaring an emergency."

House bill No. 71, "An Act to amend Section 2 of House bill No. 68, passed

the following bill (see above House message for caption of):

House bill No. 47, referred to Judiciary Committee No. 2.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 43, A bill to be entitled "An Act creating an independent school district for free school purposes only in the county of Tarrant, to be known as the Mansfield Independent School District and to have all the rights, powers and duties of independent school districts formed by general laws, or by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 76, A bill to be entitled "An Act to amend Section 126 of Chapter 11 of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature of 1905, entitled 'An Act to regulate elections, general, special and primary, and political conventions, approved April 1, 1903,' and also to amend Section 141 of said Chapter 11 as passed at the First Called Session of the Twenty-ninth Legislature and as amended by the Thirtieth Legislature, approved April 30, 1907, relative to contests in primary elections," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Senator Cofer) had referred, after its caption had been read, the following bill (see above House message for caption of):

House bill No. 76, referred to Committee on Privileges and Elections.

(Lieutenant Governor Davidson in the chair.)

HOUSE SUBSTITUTE FOR SENATE BILL NO. 4.

Senator Alexander moved that the pending order of business (House bill No. 18) be suspended, and the Senate take up, out of its order, House Substitute for Senate bill No. 4.

Senator Alexander moved the previous question on the above motion, which motion being duly seconded, was so ordered.

The motion to suspend the regular business and take up Senate substitute bill No. 4 was then adopted by the following vote:

Yeas--28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays--1.

Watson.

Absent.

Meachum.

Veale.

On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas--29.

Adams.	Hume.
Alexander.	Kellie.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.

Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Thomas.

Ward.
Watson.
Weinert.

Absent.

Meachum. Veale.

The Chair laid before the Senate, on second reading,

House substitute for

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

There being a favorable majority committee report, with amendments and that the bill be not printed, and a favorable minority committee report,

Senator Alexander moved to adopt the majority committee report, and

Senator Mayfield moved, as a substitute, to adopt the minority committee report.

The substitute motion was lost by the following vote:

Yeas—12.

Brachfield.	Mayfield.
Bryan.	Perkins.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Harper.	Thomas.
Holsey.	Ward.

Nays—17.

Adams.	Peeler.
Alexander.	Real.
Hayter.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Meachum. Veale.

The majority committee report was then adopted by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Meachum. Veale.

Bill read second time, and passed to third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Meachum. Veale.

The bill was read third time, and was passed by the following vote:

Yeas—27.

Adams.	Cofer.
Alexander.	Greer.
Brachfield.	Harper.
Bryan.	Hayter.

Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Thomas.
Murray.	Ward.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—1.

Watson.

Present—Not Voting.

Real.

Absent.

Meachum.

Veale.

Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 2.

By Senator Watson:

Resolved, by the Senate, the House concurring, That Mrs. H. P. Holdeman of Travis county, Texas, be and she is hereby authorized to bring suit against the State of Texas in any court of competent jurisdiction, for the purpose of establishing the validity and equity of a claim against the State of Texas, as the widow of H. P. Holdeman, for the sum of \$13,393.44, together with legal interest thereon from August 1, 1901, for extra work and material furnished the State of Texas in improvements made at the Lunatic Asylum and for the associate dining hall at said asylum which were not included in plans and specifications for same.

Resolved further, That in the trial of said cause, if the plaintiff shall establish her claim for said amount or for any part thereof, but that the claim is barred by limitation or laches, then the same shall be paid nevertheless.

Read first time, and referred to Committee on Public Claims and Debts.

RECESS.

On motion of Senator Stokes, the Senate recessed until 8:30 o'clock tonight.

AFTER RECESS—NIGHT SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 18.

Action recurred on House bill No. 18, the question being on the substitute by Senator Willacy for the amendment by Senator Senter.

Senator Terrell of Bowie moved the previous question on both amendments. The motion was seconded, but the Senate refused to order same by the following vote:

Yeas—12.

Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.

Holsey.
Sturgeon.
Terrell of Bowie.
Veale.
Ward.
Willacy.

Nays—12.

Adams.
Hayter.
Hudspeth.
Hume.
Kellie.
Masterson.

Murray.
Peeler.
Real.
Senter.
Watson.
Weinert.

Absent.

Mayfield.
Meachum.
Paulus.
Perkins.

Stokes.
Terrell of McLennan.
Thomas.

The vote being a tie, Lieutenant Governor Davidson, presiding, voted "no" and declared the motion lost.

Action then recurred on the substitute for the amendment.

Senator Hudspeth moved the previous question on the amendment and the substitute for same, which motion being duly seconded, it was so ordered.

Action then recurred on the substitute for the amendment, and the same was lost by the following vote:

Yeas—13.

Alexander.
Brachfield.
Cofer.
Greer.
Holsey.
Mayfield.
Stokes.

Sturgeon.
Terrell of Bowie.
Thomas.
Veale.
Ward.
Willacy.

Nays—17.

Adams.	Paulus.
Bryan.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	

Absent.

Meachum.

The amendment by Senator Senter, et al., was then adopted by the following vote:

Yeas—17.

Adams.	Paulus.
Bryan.	Peeler.
Harper.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	
Masterson.	Watson.
Murray.	Weinert.

Nays—13.

Alexander.	Sturgeon.
Brachfield.	Terrell of Bowie.
Cofer.	Thomas.
Greer.	Veale.
Holsey.	Ward.
Mayfield.	Willacy.
Stokes.	

Absent.

Meachum.

Senator Senter moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Peeler offered the following amendment:

Amend the appropriation bill, under the head of Miscellaneous Items, by adding thereto the following:

"It is hereby expressly provided that the appropriation of \$4237.36, made by the Thirtieth Legislature to construct a retaining wall at the foot of Congress avenue, along the front of the State property known as the river walk in the city of Austin, \$2000; for brick paving of street upon which this property abuts, 9813-10 square yards, at \$2.28 per square yard, \$2237.30, making a total of \$4237.36, shall not lapse at the end of

the fiscal year of 1909, but the amount remaining unused which is now in the State Treasury, out of said appropriation, amounting to \$2237.36, be and the same is hereby appropriated anew and shall be and remain subject to be expended at any time during the fiscal years of 1910 and 1911, under the provisions as hereinabove stated."

The amendment was read and adopted by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—6.

Bryan.	Holsey.
Greer.	Terrell of Bowie.
Harper.	Thomas.

Absent.

Meachum.

There being no more amendments to the miscellaneous items, the same was passed, on motion of Senator Terrell of Bowie.

Senator Hudspeth offered the following amendment:

Amend the bill, page 23, lines 22 and 23, by striking out "\$25,000" for each year and insert in lieu thereof "\$30,000" for each year.

HUDSPETH,
BRYAN.

Senator Terrell of Bowie moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—19.

Adams.	Perkins.
Alexander.	Real.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Mayfield.	Ward.
Murray.	Willacy.
Paulus.	

Nays—9.

Bryan.
Hudspeth.
Hume.
Kellie.
Masterson.

Peeler.
Stokes.
Watson.
Weinert.

Absent.

Brachfield.
Meachum.

Senter.

Senator Murray offered the following amendment:

Amend the bill, page 54, line 7, by striking out "\$146,265" for each year and insert in lieu thereof the following: "\$92,920 for each year."

The amendment was read and adopted by the following vote:

Yeas—21.

Adams.
Greer.
Harper.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Murray.
Paulus.

Peeler.
Perkins.
Real.
Stokes.
Sturgeon.
Terrell of McLennan.
Thomas.
Veale.
Ward.
Weinert.

Nays—7.

Alexander.
Bryan.
Cofer.
Mayfield.

Terrell of Bowie.
Watson.
Willacy.

Absent.

Brachfield.
Meachum.

Senter.

Senator Cofer offered the following amendment:

Amend committee substitute Senate bill No. 3, page 46, line 18 by inserting after the word "source" the following: "Provided, the said clerk shall pay to the marshal who acts as assistant librarian in addition to the salary above provided the sum of not to exceed \$300 per annum, payable monthly, out of the fees of the clerk's office, and take credit for same in his quarterly report."

Senator Willacy moved to table the amendment, which motion to table was lost by the following vote:

Yeas—14.

Brachfield.
Bryan.

Greer.
Harper.

Hayter.
Holsey.
Mayfield.
Perkins.
Real.

Stokes.
Sturgeon.
Terrell of McLennan.
Thomas.
Willacy.

Nays—14.

Adams.
Alexander.
Cofer.
Hudspeth.
Hume.
Kellie.
Masterson.

Murray.
Paulus.
Peeler.
Terrell of Bowie.
Ward.
Watson.
Weinert.

Absent.

Meachum.
Senter.

Veale.

The amendment was then adopted by the following vote:

Yeas—16.

Adams.
Alexander.
Bryan.
Cofer.
Hudspeth.
Hume.
Kellie.
Masterson.

Murray.
Paulus.
Peeler.
Terrell of Bowie.
Ward.
Watson.
Weinert.
Willacy.

Nays—12.

Greer.
Harper.
Hayter.
Holsey.
Mayfield.
Perkins.

Real.
Stokes.
Sturgeon.
Terrell of McLennan.
Thomas.
Veale.

Absent.

Brachfield.
Meachum.

Senter.

(Senator Hume in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding after line 29, page 98, by inserting the following: "\$11,000, or so much thereof as may be necessary, is hereby appropriated for the payment of claim against the State held by the wife of H. P. Holderman, provided said claim is established by decree of court of competent jurisdiction and authority is hereby given to said heirs to institute suit against the State of Texas for the recovery of said claim."

ALEXANDER,
WATSON,
PEELER.

Senator Terrell of McLennan offered the following amendment:

Strike out all of lines 22 and 23, page 23.

Senator Stokes moved the previous question on the amendment and engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment by Senator Terrell of McLennan was then lost by the following vote:

Yeas—5.

Masterson.	Terrell of McLennan.
Real.	Thomas.
Terrell of Bowie.	

Nays—23.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Mayfield.	

Absent.

Brachfield.	Senter.
Meachum.	

Bill read second time, and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Brachfield.	Senter.
Meachum.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Real.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—2.

Holsey.	Mayfield.
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Absent.

Brachfield.	Senter.
Meachum.	Stokes.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 15, "An Act to amend Subdivision 6, Section 8, Article 2, Chapter 71 of the local and special laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas; repealing all laws or parts of laws in conflict herewith,' and declaring an emergency."

Senate bill No. 13, "An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act, and declaring an emergency."

House bill No. 78, "An Act to abolish the Alexander Independent School District in Erath county, Texas, and declaring an emergency."

House bill No. 71, "An Act to amend Section 2 of House bill No. 68, passed

at the Regular Session of the Thirty-first Legislature, entitled 'An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of licenses, and fixing penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency,' approved February 24, 1909, so that said Section 2 of said act shall read as follows."

Senate bill No. 43, "An Act creating an independent school district for free school purposes only in the county of Tarrant, to be known as the Mansfield Independent School District and to have all the rights, powers and duties of independent school districts formed by general laws, or by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

House bill No. 81, "An Act to amend the city charter of the city of Greenville and the acts amendatory of said city charter of the city of Greenville, and to amend an act to amend charter, approved the 22nd day of March, 1909, by amending Section 1 of Article 3, Section 13a of Article 10 and Subdivision 18 of Section 15 of Article 10, and repealing an act amending said charter, approved April 1909, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 10:45 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act providing for the examination of banking corporations created by the acts of the Legislature of this State, or under any general law, prior to the adoption of the Constitution of this State in 1876, and requiring such banking corporation to make and publish reports of their conditions, and providing penalties for violation of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act providing for the examination of banking corporations created by the acts of the Legislature of this State, or under general law prior to the adoption of the Constitution of this State in 1876, and requiring such banking corporation to make and publish reports of their condition and providing penalties for violation of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

MAYFIELD.

(Floor Report.)

Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 52, A bill to be entitled "An Act to provide a method of apportioning, distributing and accounting of the available State school fund, and to repeal Sections 13, 14, 16, 17, 18, 23, 32 and 33 of Chapter 124 of the Acts of the Twenty-ninth Legislature, relating to the same subject, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and that same be printed in the Journal.

Peeler, Chairman; Alexander, Thomas, Sturgeon, Stokes, Perkins, Bryan, Hume, Cofer.

That part of the committee report, providing that the bill be printed in the Journal, was adopted.

Following is the bill in full, as provided for in the above committee report:

House bill No. 52.

By Caves and
Vaughan.

A BILL

To Be Entitled

An Act to provide a method of apportioning, distributing and account of the available State school fund, and to repeal Sections 13, 14, 16, 17, 18, 23, 32 and 33 of Chapter 124, of the Acts of the Twenty-ninth Legislature, relating to the same subject, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Comptroller shall keep a separate account of the available State school fund arising from every source, and shall, on or before the meeting of the State Board of Education on or before the first day of August of each year, make an estimate of the amount of available school fund to be received from every source, and to be available for the succeeding scholastic year, and report the same to the State Board of Education.

Sec. 2. The Comptroller shall on the first working day of each month certify to the State Superintendent of Public Instruction the total amount of money collected from every source during the preceding month and on hand to the credit of the available school fund, and shall draw his warrant on the State Treasurer in favor of the treasurer of the available school fund of each county, city or town, and each school district having control of its public schools for the amount stated in, and upon receipt of, the certificate therefor issued to him on the first day of each month by the State Superintendent of Public Instruction, and shall register such warrants and transmit them to the State Treasurer.

Sec. 3. The State Treasurer shall receive and hold as a special deposit all money belonging to the available school fund and keep an account of the same. He shall register every warrant drawn by the Comptroller on such fund in favor of the Treasurer of the available school fund of any county, city or town or school district having control of its public schools and transmit such warrants to the Superintendent of Public Instruction. On presentation to him for payment, properly endorsed, he shall pay such warrants each in the order in which presented.

Sec. 4. The State Board of Education shall, on or before the first day of August in each year based on the estimate theretofore furnished said Board by the Comptroller, make an apportionment for the succeeding scholastic year, of the available State school fund among the several counties of the State, and the several cities and towns and school districts constituting separate school organizations, according to the scholastic population of each; and thereupon the State Superintendent of Public Instruction, as secretary of such board, shall certify to the treasurer of each county, city or town and of each school district constituting a separate school organization, the total amount of available school fund so apportioned to each such county, city or town or school district, which certificates shall be signed by the Governor, as president of such board, countersigned by the Comptroller, and attested by the State Superintendent of Public Instruction, as secretary of such board.

Sec. 5. On the first day of each month the State Superintendent of Public Instruction shall pro rate to the several counties, cities and towns and school districts constituting separate school organizations, according to the scholastic population of each, the available school money collected during the preceding month and then on hand as shown by the certificate issued that day to him by the Comptroller and shall thereupon certify to the Comptroller the total sum pro rated to each and such certificate shall be authority for the Comptroller to draw his warrant in favor of the treasurer of each such county, city or town or school district for the amount stated in such certificate. He shall receive from the State Treasurer all warrants drawn by the Comptroller in favor of the Treasurer of the available school fund of each county, city or town and each school district having control of its public schools and shall transmit such warrants to the respective treasurers in favor of whom they are drawn.

Sec. 6. That Sections 13, 14, 16, 17, 18, 23, 32 and 33 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to the apportionment, distribution and accounting of the available State school fund, be and the same are hereby repealed.

Sec. 7. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Sec. 8. The importance of the legislation proposed in this bill, and the crowd-

ed condition of the calendar, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each House, be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 51, A bill to be entitled "An Act to regulate the manner and form of making payments to the State for public lands; to define the duties of the Commissioner of the General Land Office, the State Treasurer and the Comptroller of Public Accounts in respect thereto; also to require all accounts with purchasers of such lands to be transferred to and kept in the General Land Office, to adopt a filing system for the General Land Office, and to make an appropriation for equipping said office for the purpose of putting into effect the provisions of this act, and to repeal Article 4046 of the Revised Civil Statutes of 1896, and all other laws and parts of laws in conflict with this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Alexander, Sturgeon, Thomas, Stokes, Perkins, Bryan, Cofer, Hume.

Committee Room,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred the House substitute for

Senate bill No. 4, A bill to be entitled "An Act to provide for the effective regulation and supervision of banking corporations, and providing for the better securing of depositors of such corporations; providing for and defining bond security banks, and providing for and defining guaranty fund banks; and providing that all banking corporations heretofore or hereafter formed shall avail their depositors of the protection provided for by this act, either as bond security banks or guaranty fund banks, and that all banks incorporated prior

to the adoption of the Constitution of 1876 and all National banks transacting business in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act, either as bond security banks or guaranty fund banks; amending Sections 2, 10, 5, 39, 44, 53 and 55, and repealing Section 40 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking, and creating the State Banking Board, and prescribing its powers and duties, and providing for penalties for the violations of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments, and be not printed.

HUDSPETH, Chairman.

Amendment No. 2 to House substitute for Senate bill No. 4.

By Alexander and Terrell of McLennan:

An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund, and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors, and providing that all banking corporations created under Chapter 10, Acts of the First Called Session of the Twenty-ninth Legislature, shall avail their depositors of protection provided for by this act, either by the depositors' guaranty fund or by bond at their option; providing that all National banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this act; providing that banks incorporated by special act of the Legislature of the State of Texas may, voluntarily, on certain conditions, protect their depositors under this act; providing that private banks may, voluntarily, avail their depositors of the protection by bond provided by this act; amending Sections 39 and 44, Chapter 10 of the Acts of the First Called

Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors, and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this act, and declaring an emergency.

Amendment No. 1 to House substitute for Senate bill No. 4.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every corporation which may hereafter be incorporated under the laws of this State with banking and discount privileges, and each banking and trust company in this State incorporated, or that may hereafter be incorporated under the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, shall, at its option, protect its depositors in the manner hereinafter prescribed, either by availing itself of the depositors' guaranty fund hereinafter provided for, or by the depositors' bond security system hereinafter set forth.

Sec. 2. A State Banking Board is hereby created, which board shall be composed of the Attorney General, Commissioner of Insurance and Banking and Treasurer of this State. Said board shall have the control and management of the depositors' guaranty fund hereinafter provided for, and shall have the power to adopt all necessary rules and regulations in harmony with this act for the management of said fund, said board shall have general supervision and control of the depositors' bond security system herein provided for, and shall have the power of regulation, control and supervision of all State banking corporations and trust companies as hereinafter provided in this act.

Sec. 3. Each and every bank and trust company mentioned in Section 1 of this act shall have the right and privilege, at its option, to secure its depositors by the manner, methods and under the terms, provisions and regulations as set forth in this act for the depositors' guaranty fund or the bond security system; provided, that all such banks and trust companies shall secure their deposits by one of said plans on January 1, 1910; provided further, that such option shall be exercised on or before

December 1, 1909, and provided that such option shall be exercised by the holders of the majority of the stock, and the president or cashier of such bank shall notify the Commissioner of Insurance and Banking by registered mail of such action.

Sec. 4. Any such bank or trust company which shall elect to secure its deposits under the depositors' guaranty fund provided for by this act, shall pay to said banking board, providing its application is approved by said board as hereinafter prescribed in Section 7 of this act, on January 1, 1910, 1 per cent of its daily average non-interest-bearing deposits, for the preceding year, not including United States, State or other public funds, if otherwise secured, nor deposits of other banks and trust companies, for the purpose of creating a depositors' guaranty fund. Annually after the first payment to said fund, each bank and trust company subject to the provisions of this act shall pay to said board one-fourth of 1 per cent of its daily average deposits, as above defined, which amount shall be added to said guaranty fund; provided that when the amount available in said guaranty fund shall reach the sum of two million dollars the Bank Commissioner shall notify all banks and trust companies subject to this act, at least thirty days before the next annual payment, and thereafter the banks and trust companies participating shall not pay any further amount into said fund until said fund be depleted, and in the event of the depletion of said fund from any cause so that it falls below two million dollars, or in the event of necessity to meet an emergency at any time, said board shall have authority to require the payment for the current year of 2 per cent of such average deposits, or such part thereof as may be necessary to restore said fund to the maximum above named, or to meet the emergency, but no bank or trust company coming under the provisions of this act shall ever be required to pay more than 2 per cent of said average daily deposits for any one year; providing further, that first payments herein provided for shall be made to said board without reference to said maximum sum.

Sec. 5. The fund provided for herein shall be deposited with the State Treasurer and a separate account shall be kept thereof and it shall be paid out on warrants of the Comptroller based on vouchers issued as may be prescribed by the banking board, and said fund shall never be diverted from the purpose

herein specified. The Treasurer may, and he shall on order of said banking board, keep 25 per cent of the amount of said guaranty fund deposited in State depositories, subject to demand call of said board; provided, that 50 per cent of all payments required may be held by guaranteed bank as demand deposits, to the credit of said banking board.

Sec. 6. State bank and trust companies organized less than one year prior to the taking effect of this law on approval of their applications as provided for in Section 7 of this act shall pay into said guaranty fund 3 per cent of the amount of their capital stock, which amount shall constitute a credit fund, subject to adjustment on the basis of their deposits as provided for other banks now existing, at the end of one year; provided, however, that said payment shall not be required of banks and trust companies formed by the reorganization or consolidation of banks that have previously complied with the terms of this act.

Sec. 7. The State Banking Board shall admit to the benefits and protection of this act only such banks and trust companies as in their opinion are solvent and properly officered and conducted, and shall prescribe the form of application and statement which shall be made by each and every bank and trust company and which shall be sworn to by two of the chief officers of the bank, blank copies of which application and statement shall be mailed to each State bank and trust company in this State at least ten days before this act requires the initial payment, and which shall be filled out, signed and sworn to and returned promptly to said board, and such copies shall be mailed to any other bank within this State on request. Should said board decline the application of any bank or trust company, it shall state the grounds of such declination to such institution and whether the objection can be removed, and the condition thereof.

Sec. 8. Any National bank in this State may voluntarily avail its depositors of the protection of the depositors' guaranty fund, upon the same terms, payments, conditions and in the same manner as herein provided for State banks; provided, that in the event national banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal Government and thereby the deposits in national banks in this State should be guaranteed by virtue of Federal laws, that the national banks having availed themselves of the benefits of this act

may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks.

Sec. 9. Whenever any State bank or trust company shall become insolvent and shall voluntarily, or by law, or in any manner as provided in Chapter 10, Acts of the First Called Session of the Twenty-ninth Legislature, come into the hands of the Commissioner of Insurance and Banking, he may proceed to wind up its affairs, either through a receiver or through some competent person, who shall give bond as may be required by the board, payable to the board for the faithful performance of all duties imposed upon him. Said bond may be recovered upon for the benefit of said guaranty fund. On taking possession of the property and business of any such State bank, the Commissioner shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals holding or in possession of any assets of any such State bank.

No bank, trust company, association or individual knowing of such taking possession by the Commissioner, or notified as aforesaid, shall have a lien or charge for any payment, advance of clearance thereafter made, or liability thereafter incurred against any of the assets of the State bank of whose property and business the Commissioner shall have taken possession as aforesaid. Such State bank may, with the consent of the State Banking Board, resume business upon such condition as may be approved by it, which permission shall be evidenced by a written statement to that effect from the Commissioner. Upon taking possession of the property and business of such State bank, the Commissioner is authorized to collect moneys due to such corporation, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as herein provided. The Commissioner shall collect all debts due and claims belonging to such State bank, and upon the order of the district court, if in session, or the judge thereof, if in vacation, of the county in which it was located and transacting business, may sell or compound all bad or doubtful debts, and on like order may sell the real or personal property of such State bank on such terms as the court shall direct, and may, if necessary to pay the debts of such State bank, enforce the individual liability of the stockholders. The Commissioner may, under his hand and official

seal, appoint one or more special agents to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the Commissioner and a certified copy in the office of the clerk of the county court in which such State bank was located and transacted business. The Commissioner may from time to time, authorize a special agent to perform such duties connected with such liquidation and distribution as the said Commissioner may deem proper. The Commissioner may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such State bank and may retain such of the officers or employees of such State bank as he may deem necessary. The Commissioner shall require from a special agent and from such assistants such security for the faithful discharge of their duties as he may deem proper. The Commissioner shall cause notice to be given by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons who may have claims against such State bank to present the same to the Commissioner and make legal proof thereof at a place and within a time not earlier than the last day of publication to be therein specified, which notice shall contain a statement, in larger type than that in which the body of such notice is printed, specifically stating that all such claims of guaranty and depositors must be presented and legal proof thereof made at the place designated within forty-five days after the date which the property and business of such State bank was taken possession of by the Commissioner, and that all claims of guaranteed depositors presented after expiration of forty-five days shall not be entitled to payment of any portion thereof out of the depositors' guaranty fund. The Commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the State bank. If the Commissioner doubts the justice and validity of any claim he may reject same and serve notice of such rejection upon the claimants, either by mail or by written notice personally served. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the Commissioner. The action upon the claim so rejected must be brought within six months after such service. Claims presented after the expiration of the time fixed in the notice to the creditors shall be entitled to share in the distribution

only to the extent of the assets in the hands of the Commissioner equitably applicable thereto. Upon taking possession of the property and assets of such State bank, the Commissioner shall make an inventory of the assets of such State bank in duplicate, one to be filed in the office of the Commissioner and one in the office of the clerk of the county court in which such State bank was located and transacting business; upon the expiration of the time fixed for the presentation of claims presented, including and specifying such claims as have been rejected by him, and showing fully all claims and amounts paid to guaranteed depositors out of the depositors' guaranty fund, and the amount to which said fund is entitled by reason of its subrogation to the rights of such guaranteed depositors so paid, and all amounts held by him on account of claims of guaranteed depositors, which have been rejected or are in dispute, one to be filed in the office of the clerk of the county court of the county in which such State bank was located and transacted business. Such inventory and list of claims shall be open at all reasonable times to inspection. All compensation of special agents, counsel and other employees and assistants, and all expenses of supervision and liquidation shall be fixed by the Commissioner, subject to the approval of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacting business, on notice to such State bank; provided, that the compensation of such special agents shall always be the same as is provided by law for State bank examiners, and shall, upon the certificate of the Commissioner, be paid out of the fund of such State banks in the hands of the Commissioner. The moneys collected by the Commissioner shall be from time to time deposited in one or more State banks, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. At any time after the expiration of the date fixed for the presentation of claims, the Commissioner may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of a notice to creditors, he may declare a final dividend, such dividend to be paid to such person and in such manner and upon such notice as may be directed by the district court, if in session, or the judge thereof, if in vacation, of the district in which such

State bank was located and transacted business. In the declaration and payment of all such dividends the depositors' guaranty fund shall be entitled to receive as its dividend such portions of the amounts due and payable to guaranteed depositors as shall have been paid to them out of the depositors' guaranty fund, together with 6 per cent interest thereon from the date or dates upon which checks were drawn upon all State banks, as hereinafter provided, to provide for the payment of the guaranteed deposits of such State banks, and the Commissioner shall forthwith distribute such dividends to State banks upon which checks were drawn for such payment of guaranteed deposits in proportion to the amounts of such checks, respectively. Objections to any claim not rejected by the Commissioner may be made by any party interested by filing a copy of such objections with the Commissioner, who shall present the same to the district court, if in session, or the judge thereof, if in vacation, at the time of the next application to declare a dividend. The court may make proper provision for unproved or unclaimed deposits. Whenever any such State bank, of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time, apply to the district court, if in session, or to the judge thereof, if in vacation, of the district in which such bank is located and transacting business to enjoin further proceedings, and said court, if in session or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits dismiss such application or enjoin the Commissioner from further proceedings and direct him to surrender such business and property to such State bank. Whenever the Commissioner shall have paid to each and every depositor and creditor of such State bank (not including stockholders), except for the amount of their deposits over and above their liability under the law as stockholders, whose claim or claims as such creditor or depositor shall have been duly proven and allowed, the full amount of such claims, and shall have repaid to the depositors' guaranty fund all amounts paid out of it to guaranteed depositors of such State bank, together with 6 per cent interest thereon from the date when the checks to provide for such payment were drawn and shall have made proper provision

for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the Commissioner shall call a meeting of the stockholders of such State bank by giving notice thereof for thirty days in one or more newspapers in the county where such State bank was located and transacted business. At such meeting the stockholders shall determine whether the Commissioner shall be continued as liquidator, and shall wind up the affairs of such State bank, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and a majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the Commissioner, he shall complete the liquidation of such corporation, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the district court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary for a choice. Such agent or agents shall execute and file with the Commissioner a bond, in such amount, with such sureties and in such form as shall be approved by the Commissioner, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the Commissioner shall transfer and deliver to such agent or agents all the undivided and unclaimed or other assets of such State bank then remaining in his hands; and upon such transfer and delivery the said Commissioner shall be discharged from any and all further liability to such State bank and its creditors and stockholders. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said State bank, as herein provided in the case of distribution by the Commissioner, except that the expenses thereof shall be subject to the direction and control of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In case of the death, removal or refusal to act of such agent or agents, the stockholders on the same notice, to be given by the

Commissioner, upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may select a successor and shall have the same power and be subject to the same liabilities and duties as the agent originally elected. Dividends and unclaimed deposits remaining unpaid in the hands of the Commissioner for six months after the order for final distribution shall be by him deposited in some State bank to be designated by the State Banking Board to the credit of the Commissioner in his name of office, in trust for the several depositors with and creditors of the liquidated State bank from which they were received, who are entitled thereto. The Commissioner shall show in his official report the names of the State banks so taken possession of and liquidated, and the amounts of unclaimed and unpaid deposits or dividends, with respect to each of them, respectively. The Commissioner shall pay over the moneys so held by him to the persons respectively entitled thereto upon the order of the State Banking Board, who shall direct such payment to such persons upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, the State Banking Board may require an order of the district court, if in session, or the judge thereof, if in vacation, authorizing and directing the payment thereof. The State Banking Board may apply the interest earned by the moneys held by the Commissioner, or may authorize him to apply the same toward defraying the expenses incurred in payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive the same, and the Commissioner shall include in his official report a statement of the amount of interest earned by such unclaimed dividends. Any State bank may, at any time, place its affairs and assets under the control of the Commissioner by posting a notice on its front door, as follows:

"This institution is in the hands of the Commissioner of Insurance and Banking of the State of Texas." The posting of this notice or of the same notice by the Commissioner or any State Bank Examiner at any time when he shall have taken possession of the property and business of a State bank, shall be sufficient to place all its assets and property of whatever nature in the possession of the Commissioner and shall operate as a bar to any attachment proceedings whatever.

Sec. 10. In the event the Commissioner of Insurance and Banking shall take possession of any bank or trust company, subject to this act, as herein provided, the depositors of said bank or trust company, as specified in Section 4 of this act, shall be paid in full out of the cash in said bank or trust company and that can be made immediately available from such bank, and the remainder shall be paid out of the depositors' guaranty fund through the said board in the event the cash available in said institution shall be insufficient; provided, that deposits upon which interest is being paid by said bank, its officers or stockholders, to the depositor and deposits otherwise secured shall not be insured under this act, but shall only receive the pro rata amount which may be realized from the assets, resources and collections of and from such banks and trust companies, its stockholders or directors.

Sec. 11. The State shall have, for the benefit of the depositors' guaranty fund, a first lien upon all assets of such bank or trust company, and all liabilities owing or accruing to such bank or trust company; provided, however, that any deposits on which said bank was paying interest and any other deposits not insured under this act and which are entitled to share in the assets, shall share in the dividends and proceeds of such assets and collections pro rata or as may be provided by law.

Sec. 12. In the event the depositors' guaranty fund, or any part thereof, shall be used by said banking board to pay off the depositors of a National bank which has accepted the provisions of this law, then said banking board shall receive from the receiver or other officer in charge of said bank the pro rata share of the proceeds of the assets and collections which would be due to said depositors to the amount so paid by the banking board.

Sec. 13. Provided that any bank operating under either form of guaranty herein provided for shall advertise the fact as to such guaranty it is operating under in the following language: "This bank has contributed its proportion of the guaranty fund as required by law to secure its depositors and is operating under said clause of the law," or "this bank has given bond to secure its depositors, approved by the county judge of county and Attorney General of Texas and now on file as required by law," as the case may be.

Sec. 14. Any State bank or banking and trust company, incorporated under

the laws of this State, desiring to maintain a savings department or to use or continue to use the word "savings" as part of its corporate name, or in or as part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be filed by the bank or banking and trust companies maintaining such savings departments and using the word "savings" as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect (and which desire to continue to do so, within ninety days from the time this act shall take effect), and to be filed by banks desiring to establish such savings departments after this act shall take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which having such departments or using the word "savings" at the time this act shall take effect, shall continue to maintain such departments or to so use the word "savings" more than ninety days thereafter shall keep the business of such department entirely separate and distinct from the general business of such bank or banking and trust company, and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than 85 per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise. to wit:

1. In bonds or interest-bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

2. In bonds of any city, county, town or school district or other subdivision of

this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

3. In bonds of the State of Texas or of any State of the Union that has not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

5. In bonds or notes secured by first mortgage, deed of trust or other valid lien on unincumbered improved real estate to run for a term of not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this State, certifying said bonds or notes to be the first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above described, and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipt, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than 15 per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposits as provided for in this section, at the option of the bank or banking and trust company, in case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors shall be first paid, and the remainder, after they have been paid in full, shall be applied to the payment of

claims of general creditors. It shall be the duty of the president of each State bank or banking and trust company maintaining a savings department under the provisions of this section, to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits, when the last preceding monthly statement, as herein provided for is not conspicuously posted in the office from wherein its business is transacted.

The directors of any State bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on the savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are sufficient to pay any interest due upon any savings deposits such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general fund of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due on the accrued savings deposits, and the legitimate expense of such department have been provided for. All such savings departments shall be governed by the terms and provisions of this act so far as the same are applicable and are not in conflict with the special provisions of this section and shall also be governed by such provisions of laws of the State applicable to savings banks as are not in conflict with any of the provisions of this act or of this section, and such reasonable rules and regulations for the control of such savings departments may be adopted and put in force by the board of directors at any regular meeting of the stockholders at any annual meeting; provided, that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any director

or officer of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by the law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any security or other investment, or wilfully and knowingly do or perform any act or transaction by or as a result of which at any time the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least 15 per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section, shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

In computing the aggregate amount of average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided in this act, or for the purpose of determining the amount required to be paid into the depositors' guaranty fund as provided in this act, the deposits of its savings department as provided in this section shall not be included.

Sec. 15. In the event of the voluntary liquidation of any bank or trust company operating under the provisions of the depositors' guaranty fund, when it shall be made to appear to the State Banking Board that all depositors have been paid in full, said board shall return to such bank or trust company

the pro rata part paid by it into such fund then unused.

Sec. 16. Each and every State bank or trust company now or hereafter incorporated under the laws of this State, which shall elect to come under the provisions of the bond security system of this act, shall on January 1, 1910, and annually thereafter file with the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such bank a bond, policy of insurance, or other guaranty of indemnity in an amount equal to the amount of its capital stock, which said bond, policy of insurance, or other guaranty of indemnity shall be for and inure to the benefit of all depositors. Such instrument and the security thereby provided shall be approved by the county judge of the county in which such business is domiciled, and shall take effect and be in force from and after the time it is approved and filed in the office of the Commissioner of Insurance and Banking. Every such corporation shall comply with the provisions of this act as herein provided, and every such corporation that may hereafter be incorporated shall comply with the provisions of this section before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act, shall secure depositors at the time said bond is filed and approved and all deposits made during the period of twelve months thereafter.

Sec. 17. Any person, firm or corporation other than as described in Section 16 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provision of this act and to file with the Commissioner of Insurance and Banking a bond or policy or other guaranty of indemnity. Any such corporation shall, in such event, file a bond or policy of insurance or other guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas.

Any such person or firm transacting the business of a private bank shall in such event file a bond or policy of insurance or other guaranty of indemnity in an amount to be fixed by the Commissioner of Insurance, which amount shall in no case be less than one-half the amount of the average of the daily deposits with such persons or firm for the preceding period of twelve months; provided, that no person or firm shall

be permitted to take the benefit of this act unless such person or firm shall have been engaged in such business in the State of Texas for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Commissioner of Insurance and Banking such reports and statements concerning its deposits, and concerning the solvency of such bond or policy of insurance or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance or other guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided further, that such bond, policy of insurance or other guaranty shall be approved by the county judge and the Commissioner of Insurance and Banking and filed with the Commissioner of Insurance and Banking as provided for in Section 1 hereof.

Sec. 18. In the event of default by any person, firm or corporation transacting such business or receiving deposits which shall make, execute or file the bond or policy of insurance or other guaranty of indemnity, provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Commissioner of Insurance and Banking, when such default shall be made known to him, to at once make an examination of such bank, and if in his judgment the bank is insolvent, he shall take charge of such bank as provided by law for the liquidation of State banks. Upon taking charge of a bank as above provided, the Commissioner of Insurance and Banking shall at once give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond or policy of insurance or other guaranty of indemnity, and upon such notice the full amount of the same shall thereby become due and payable within sixty days. In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty

of the makers and signers thereof to pay over the full amount of the same to the Commissioner of Insurance and Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising either from voluntary payment or otherwise, shall be payable to the Commissioner of Insurance and Banking, and shall be by him promptly paid over pro rata to unpaid depositors upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed and before payment thereof shall be approved by him.

In the event any maker or signer as sureties of such bond, or policy of indemnity shall be a corporation incorporated under the laws of Texas, and it shall refuse or fail to pay over within sixty days, as herein provided, the full amount due by it upon such bond, or policy of insurance, or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General upon receiving notice thereof from the the Commissioner of Insurance and Banking to bring suit in the district court of Travis county, Texas, within thirty days to forfeit such charter, and upon hearing thereof decree and judgment may be rendered, annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance, or other guaranty of indemnity shall be a corporation incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over within sixty days after demand shall have been made therefor by the Commissioner of Insurance and Banking, as herein provided, the full amount of its liabilities upon such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Commissioner of Insurance and Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Commissioner of Insurance and Banking thereafter to refuse any permit to said corporation to transact business in the State until it shall show to the satisfaction of such officers that it has fully discharged its liabilities upon such bond, or policy of insurance, or other guaranty of indemnity upon which default was thus made.

In the event such person, firm or corporation shall default in the payment of a lawful demand and shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond, or policy of insurance, or other guaranty of indemnity is not discharged it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond, or policy of insurance, or other guaranty of indemnity in the name of the Governor and for the benefit of all persons who may be beneficiaries thereof by reason of its terms and conditions.

Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy of insurance or other guaranty of indemnity transacted such business at the time of the filing thereof, or in any county immediately adjacent thereto at the option of the Attorney General. Any action upon such bond, or policy of insurance, or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

Sec. 19. Whenever any maker or signer of any bond, or policy of insurance, or other guaranty of indemnity other than the principal therein, shall be required under the provisions of this act to pay over for the benefit of the depositors with any person or corporation, any sum or sums of money, such maker or signer making or participating in such payment, shall thereby become subrogated to the rights of a depositor to the extent of the payment or payments so made, and entitled to assert such right in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such bond, or policy of insurance, or other guaranty of indemnity.

Sec. 20. The Commissioner of Insurance and Banking, when in his judgment it is necessary to make an examination of a bank in order to determine whether or not it is authorized to make bond under this act, or to determine the amount of such bond, he shall charge a fee of not to exceed \$20 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 16, and the examination of the solvency thereof and for the filing of the same shall be authorized to charge an examination fee

sufficient to cover the actual expenses thereof against any other person, firm or corporation permitted to file such bond, or policy of insurance, or other guaranty of indemnity under the provisions of this act.

Sec. 21. The bond, policy of insurance or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

State of Texas,
County of.....

Know all men by these presents:

That we,
as principal, and
and
as sureties, are held and firmly bound unto the Governor of the State of Texas and his successors in office in trust for the benefit of depositors,
in the sum of..... dollars, payable as provided by the law of Texas, at the time of the execution hereof, conditioned that the above bound..... will pay upon demand, or in accordance with the certificate of deposit to the persons entitled thereto all deposits in said bank at the date of said bond and all other deposits made therein during the period of one year from the date thereof. Upon payment of any sum or sums made obligatory by reason of the terms hereof, and surety herein making or participating in such payment shall thereby be subrogated to the rights of a depositor and entitled to assert such rights in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by the terms hereof.

Sec. 22. The security for the benefit of depositors provided for by this act may be divided into two or more bonds, policies of insurance or other guaranties of indemnity or any part thereof may be given in either of such forms of guaranty of indemnity; provided, that the aggregate thereof shall be equal to the total amount of the security required in accordance with the provisions of this act.

Sec. 23. Whenever the deposits of any corporation incorporated under the laws of Texas which shall have filed a bond, or policy of insurance, or other guaranty of indemnity with the Commissioner of Insurance and Banking in accordance with the provisions of this act shall exceed six times the amount of its capital and surplus, it shall be its duty to furnish in addition to the security theretofore so given, additional security for the protection of its depositors, which additional security shall

consist of one or more bonds, or policies of insurance, or other guaranties of indemnity, as herein provided, in a sum or sums, which shall, in the aggregate, be equal to the total amount of such excess of deposits above six times the amount of the capital and surplus of such corporation. In the event any such corporation shall refuse or fail to comply with the provisions of this section, after demand by the Commissioner of Insurance and Banking, it shall be his duty to report the facts to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter a decree and judgment therein, forfeiting and annulling the charter of such corporation.

Sec. 24. If any corporation organized under the laws of this State to do a banking business or to receive funds on deposit shall fail or refuse to file the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 16 hereof, in accordance therewith, it shall be the duty of the Commissioner of Insurance and Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 25. If at any time it shall appear to the State Banking Board that any bond, or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, they shall have the authority, and it shall be their duty, to require such corporation to file new or additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such requirements, they shall communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Commissioner of Insurance and Banking and the Attorney General shall, in such event, have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws enacted at the First Called Session of the Twenty-ninth Legislature.

Sec. 26. All State banks transacting business in this State shall be required on or after the first day of January, 1910, to hold a certificate of authority to transact a banking business issued by the Commissioner, in compliance with the provisions of this act, and to keep the same conspicuously posted at all times in the banking house where such business is transacted. Any person or persons who shall in any capacity transact or hold themselves out as transacting the business of banking for or on behalf of any State bank or State banking and trust company after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense, each day being considered as a separate offense, by a fine of not less than \$100 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 27. Section 39 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Sec. 39. It shall be the duty of the Commissioner of Insurance and Banking, at least once in each quarter of each calendar year to cause each banking corporation, subject by law to examination to be thoroughly and fully examined, and any such corporations may be examined whenever such Commissioner may deem it necessary or expedient. Such Commissioner and all State bank examiners shall have the power to administer oaths to any person whose testimony may be desired for the purpose of any such examinations. The expense of every general and special examination shall be paid by the corporation examined in such amount as the Commissioner of Insurance and Banking shall certify to be just and reasonable. Provided such expenses shall be paid in proportion to the amount of capital stock of the various corporations as follows: Those with a capital stock of \$10,000 shall not pay more than \$12.50; those with a capital stock of more than \$10,000 and not exceeding \$25,000 shall not pay more than \$15.00; those with a capital stock of more than \$25,000 and not exceeding \$50,000 shall not pay more than

\$20.00; those with a capital stock of more than \$50,000 and not exceeding \$100,000 shall not pay more than \$30.00; those with a capital stock of more than \$100,000 and not exceeding \$250,000 shall not pay more than \$37.50; those with a capital stock of more than \$250,000 and not exceeding \$500,000 shall not pay more than \$75.00; those with a capital stock of more than \$500,000 and not exceeding \$1,000,000 shall not pay more than \$125.00; those with a capital stock of more than \$1,000,000 and not exceeding \$2,000,000 shall not pay more than \$150.00; those with a capital stock of more than \$2,000,000 and not exceeding \$4,000,000 shall not pay more than \$200.00; and those with a capital stock exceeding \$4,000,000 shall not pay more than \$300.00.

The permanent surplus of any such corporation shall be reckoned in ascertaining the fees for examination as a part of its capital stock. All sums collected as examination fees shall be paid by the Commissioner of Insurance and Banking directly into the State Treasury to the credit of the general revenue fund. Payments for salaries and expenses of examinations and for expenses of the Commissioner of Insurance and Banking in enforcing this act, shall be made upon the certificate of the Commissioner of Insurance and Banking by warrant of the Comptroller upon the State Treasurer.

Sec. 28. If from the sworn statement of the average daily deposits of any bank for the year ending on the first day of December, 1909, or of any subsequent year, filed with the Commissioner as provided in this act, it shall appear that such average daily deposits for such year amounted to more than five times the capital stock and surplus of such bank on November 1 of such year, if the capital stock of such bank is not more than \$10,000 or more than six times such capital stock and surplus if the capital stock is more than \$10,000 and less than \$20,000; or seven times such capital and surplus if the capital stock is \$20,000 or more, and less than \$40,000; or eight times such capital stock and surplus if the capital stock is \$40,000 or more, and less than \$75,000; or nine times such capital stock and surplus if the capital stock is \$75,000 or more, and less than \$100,000; or ten times such capital stock and surplus if such capital stock is \$100,000 or more; then in any such case it shall be the duty of the State Banking Board to require that each State bank shall within sixty days thereafter increase its capital by 25 per cent thereof, and it shall be the duty

of the Commissioner to immediately furnish such State bank with a certified copy of the order making such requirement, and upon the receipt of such requisition the directors of such State bank shall, within the time required, cause such increase to be made in its capital stock, and if the same is not done within such time, it shall be unlawful for such bank to thereafter receive any deposits at any time when its total demand and time deposits shall in the aggregate amount to more than the limitation herein placed upon deposits.

Sec. 29. After this act shall take effect it shall be unlawful for any State bank to own more than ten per cent of the capital stock of any other banking corporation, or to make a loan, secured by the stock of any other banking corporation if by the making of such loan the total stock of such other banking corporation held by it as collateral will exceed in the aggregate 10 per cent of the capital stock of such other banking corporation unless the ownership or the taking of a greater percentage of such capital stock as collateral shall be necessary to prevent loss upon a debt previously contracted in good faith and any such excess so taken as collateral or owned by such State bank shall not be held as collateral nor owned by it for a longer period than six months.

Sec. 30. All State banks and trust companies shall be permitted to loan upon or discount commercial or business paper secured by lien upon cotton and cotton seed products to the same extent and upon the same conditions as is now or may be provided for National banks under the laws of the United States.

Sec. 31. Any bank or trust company created by virtue of a special act of the Legislature of the State of Texas now or hereafter engaged in the general banking business in Texas and which at the time has only one place of business and which has heretofore accepted or may hereafter accept one or more of the provisions of the Acts of the Twenty-ninth Legislature known as the State banking law, thereby submitting itself to the jurisdiction of the State Banking Department, may with the approval of the State Banking Board avail itself of the provisions of this act, either as a bond security bank, or as a guaranty fund bank by vote as prescribed for State banks.

Sec. 32. Any violation of the form of advertisement herein prescribed shall be ground for a prosecution against said bank so violating said provision, and it is hereby made the duty of the Commis-

sioner of Banking of this State to immediately institute a prosecution against the officers and directors of such bank for any violation of said clause, and the officers and directors of any bank permitting any other advertisement than the one herein stipulated with reference to said guaranty of deposits to be made shall, upon conviction, be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not to exceed twelve months; said offense is hereby defined to be the unlawful advertising of a plan of securing depositors by said bank; provided, that it shall constitute a violation of this act for any bank to advertise in the newspapers, or in any circular, bill heads, letter head, or in any other manner, the plan adopted by such bank for the purpose of securing its depositors other than above stipulated, and it shall constitute and is hereby made an offense for the officers or directors of any banking institution in this State adopting either of the above plans of guaranty to directly or indirectly advertise that the State guarantees the deposits in the bank of which they are directors or officers, and upon conviction they shall be fined as above provided.

Sec. 33. Any National bank in this State may voluntarily avail its depositors of the protection of the bond security system herein provided for State banks.

Sec. 34. Section 44, Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 44. The Commissioner of Insurance and Banking from time to time shall appoint such number of State bank examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly, under oath, by each examiner and shall be approved by the Commissioner."

Sec. 35. Every president, cashier, director, teller, clerk or agent of any State bank who embezzles, abstracts or willfully misapplies any of the moneys, funds or credits of such State bank, or

who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of such State bank, with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual, person, firm or association or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section shall be deemed guilty of a felony and shall, upon conviction, be imprisoned in the State penitentiary for a term of not less than five years nor more than ten years.

Sec. 36. Any director of a State bank who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a majority of the directors of the bank first having been obtained and made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of such bank who shall knowingly loan or assent to the loaning of any of its funds to any officer, or any of its funds to any director, in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years, upon conviction thereof.

Sec. 37. Any officer, director or employee of any State bank or trust company who knowingly or willfully omits to perform any duty imposed upon him by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less

than five hundred nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Sec. 38. Neither the Commissioner of Insurance and Banking nor any regularly appointed clerks or employees of the Department of Insurance and Banking, or any State bank examiner shall, at any time during his incumbency, be financially interested, directly or indirectly, in any State bank or banking and trust company subject to the supervision of the Department of Insurance and Banking, or knowingly be or become indebted, directly or indirectly, in any such State bank or banking and trust company.

Any officer or employee named in this section violating its provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500, and the venue in such case shall be in the county wherein such State bank or banking and trust company is located. The violation of the provisions of this section shall work a forfeiture of the office or position held by the person guilty of such violation.

Sec. 39. Any officer, clerk or agent of any State bank who shall willfully certify to any check or checks before the amount thereof shall have been regularly entered to the credit of the drawer, upon the books of such State bank, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by fine of not less than five hundred nor more than five thousand dollars, or by imprisonment in the State penitentiary for not more than one year, or by both such fine and imprisonment.

Sec. 40. Any State bank examiner or special agent, who shall knowingly and intentionally fail or refuse to notify the Commissioner of Insurance and Banking, in writing, of any violation of the criminal provisions of this act within ten days after the same shall come to his notice or attention, unless such notice shall, within his knowledge, have been previously given by some other bank examiner or special agent, or any Commissioner of Insurance and Banking who shall knowingly and intentionally fail or refuse to notify, in writing, the county or district attorney charged by law with the duty of the prosecution thereof, of any such violation within ten days after the same shall have come to his knowledge or attention, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by

fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment, and upon conviction shall be removed from office.

Sec. 41. The provisions of this act shall be held to be cumulative of all laws now in force applicable to State banks.

Sec. 42. It shall be unlawful for any State bank or trust company in this State to directly or indirectly loan to the Commissioner of Insurance and Banking or any other person interested in or employed by the Department of the State Insurance and Banking, and it is hereby expressly provided that a violation of this provision shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$1000.

Sec. 43. The fact that there is no law in the State providing for a fund for the protection of depositors in banks and trust companies creates an emergency which requires that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

(Minority Report.)

Committee Room,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Insurance, Statistics and History, to whom was referred the House substitute to

Senate bill No. 4, A bill to be entitled "An Act to provide for the effective regulation and supervision of banking corporations, and providing for the better securing of depositors of such corporations; providing for and defining bond security banks, and providing for and defining guaranty fund banks; and providing that all banking corporations heretofore or hereafter formed shall avail their depositors of the protection provided for by this act, either as bond security banks or guaranty fund banks, and that all banks incorporated prior to the adoption of the Constitution of 1876 and all National banks transacting business in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act, either as bond security banks or guaranty fund banks; amending Sections 2, 10, 5, 39, 44, 53 and 55, and repealing Section 40 of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the

State of Texas; prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking, and creating the State Banking Board, and prescribing its powers and duties, and providing for penalties for the violations of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass without amendments.

MAYFIELD.

(Floor Report.)

Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

House bill No. 76, A bill to be entitled "An Act to amend Section 126 of Chapter 11 of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature, 1905, entitled 'An Act to regulate elections and to provide penalties for its violations and to repeal the acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903,' and also amend Section 141 of said Chapter 11, as passed at the First Called Session of the Twenty-ninth Legislature, approved April 30, 1907, relative to contests in primary elections,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Thomas, Chairman; Perkins, Terrell of McLennan, Adams, Hume, Real, Ward.

Committee Room,
Austin, Texas, April 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 43, A bill to be entitled "An Act creating an independent school district, for free school purposes only, in the county of Tarrant, to be known as the Mansfield Independent School District, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, May 4, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 38, "An Act to create a more efficient road system for Wood county, Texas," etc.,

And find it correctly enrolled, and have this day, at 4:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 43, "An Act creating an independent school district for free school purposes only in the county of Tarrant, to be known as the Mansfield Independent School District and to have all the rights, powers and duties of independent school districts formed by general laws, or by the incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 13, and find it correctly enrolled, and have this day, at 10:50 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

Senate bill No. 13.

An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public, and giving the Railroad Commission power to require compliance with this act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all railroad companies in this State to provide and maintain adequate, comfortable and clean depots and depot buildings at their several stations for the accommodation of passengers and to keep said depot buildings well lighted and warmed for the comfort and accommodation of the traveling public; provided further, that said railroad companies shall keep and maintain separate apartments in such depot buildings for the use of white passengers and negro passengers, and to keep and maintain adequate and suitable freight depots and buildings for the receiving, handling, storing and delivering of all freights handled by such roads.

Sec. 2. Power is hereby conferred upon the Railroad Commission of Texas to require compliance by railroad companies with the provisions of this act under such regulations as said Commission may deem reasonable, and all railroad companies shall be subject to the penalties prescribed by law for failure to comply with such requirements.

Sec. 3. The fact that there is no adequate law of this State requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations, creates an emergency and an imperative public necessity that this act be passed under the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 7, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 39, and find it correctly enrolled, and have this day, at 10:50 o'clock a. m., presented it to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:
Senate bill No. 39.

An Act to authorize incorporated towns, cities, and villages in the State of Texas, to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property and against the owners of railroads or street rail-

roads occupying streets or highways improved and their property, and to provide for the enforcement and collection of such assessments, and to provide for the submission hereof to a vote of the resident property taxpayers who are the qualified voters of such towns, cities, and villages, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That towns, cities, and villages incorporated under either general or special law, which shall accept the benefits of this act as herein provided, shall have power to improve any street, avenue, alley, highway, public place or square or any portion thereof within their limits, by filling, grading, raising, paving or repaving the same in a permanent manner or by the construction or reconstruction of sidewalks, curbs, and gutters, or by widening, narrowing, or straightening the same, and to construct necessary appurtenances thereto, including sewers and drains.

Sec. 2. That the term "city," whenever used herein shall include all incorporated towns, cities and villages; that the term "governing body" whenever used herein shall include the governing or legislative bodies of all incorporated towns, cities or villages, whether known as councils, commissions, boards of commissions, common councils, boards of aldermen or city councils, or whatever name such bodies may be known or designated under general or special laws; that whenever the term "highway" is used herein, it shall include any street, avenue, alley, highway or public place or square or portion thereof dedicated to public use.

Sec. 3. That the governing body of any city shall have power to order the improvement of any highway therein, or part thereof and to select the materials and methods for such improvement, and to contract for the construction of such improvements in the name of the city, and to provide for the payment of the cost of such improvements out of any available funds of the city or as herein provided.

Sec. 4. That the cost of making such improvements may be wholly paid by the city or part by the city and partly by owners of property abutting thereon, provided, that in no event shall more than three-fourths of the cost of any improvement, except sidewalks and curbs be assessed against such property owners or their property. But the whole cost of construction of sidewalks and curbs

in front of any property may be assessed against the owner thereof or his property.

Sec. 5. Subject to the terms hereof the governing body of any city shall have power to assess against the owner of any railroad or street railroad occupying any highway ordered to be improved the whole cost of the improvement between or under the rails and tracks of said railroad or street railroad and two feet on the outside thereof, and shall have power by ordinance to levy a special tax upon said railroad, or street railroad and its roadbed, ties, rails, fixtures, rights, and franchises, which tax shall constitute a lien thereon superior to any other lien or claim except State, county and municipal taxes, and which may be enforced either by sale of said property in the manner provided by law in the collection of ad valorem taxes by the city or by suit against the owner in any court having jurisdiction. The ordinance levying said tax shall prescribe when same shall become due and delinquent, and the method or methods of enforcing the same.

Sec. 6. Subject to the terms hereof the governing body of any city shall have power by ordinance to assess the whole cost of constructing sidewalks or curbs, and not to exceed three-fourths of the cost of any other improvement, against the owners of property abutting on such improvement and against their abutting property benefited thereby, and to provide for the time and terms of payment of such assessments and the rate of interest payable upon deferred payments thereon, which rate of interest shall not exceed 8 per centum per annum, and to fix a lien upon the property and declare such assessments to be a personal liability of the owners of such abutting property. And such governing body shall have power to cause to be issued in the name of the city assignable certificates, declaring the liability of such owners and their property for the payment of such assessments, and to fix the terms and conditions of such certificates.

If any such certificate shall recite that the proceedings with reference to making such improvements have been regularly had in compliance with law and that all prerequisites to the fixing of the assessment lien against the property described in said certificate, and the personal liability shall be prima facie evidence of the facts so recited and no further proof thereof shall be required in any court.

The ordinance making such assessments shall provide for the collection

thereof with costs and reasonable attorney's fees, if incurred.

Such assessments shall be secured by and constitute a lien on said property which shall be the first enforceable claim against the property against which it is assessed, superior to all other liens and claims, except State, county and municipal taxes.

Sec. 7. Nothing herein contained shall be construed to empower any city to fix a lien by assessment against any property exempt by law from sale under execution, but the owner of such exempt property shall nevertheless be personally liable for the cost of improvements constructed in front of his property which may be assessed against him. The fact that any improvement is omitted in front of exempt property shall not invalidate the lien of assessments made against other property on the highway improved, not so exempt. The lien created against any property or the personal liability of the owner thereof, may be enforced by suit in any court having jurisdiction or by the sale of the property assessed in the same manner as may be provided by law for the sale of property for ad valorem city taxes. The recital in any deed made pursuant to such sale, that all legal prerequisites to said assessment and sale have been complied with, shall be prima facie evidence of the facts so recited and shall in all courts be accepted without further proof.

Sec. 8. No assessment of any part of the cost of such improvement shall be made against any property abutting thereon or its owner, until a full and fair hearing shall first have been given to the owners of such property preceded by a reasonable notice thereof given to said owners, their agents or attorneys; such notice shall be by advertisement inserted at least three times in some newspaper published in the city, town or village where such tax is sought to be improved, if there be such a paper, then, if not, the nearest paper to said city, town or village of general circulation in the county in which said city is located, the first publication to be made at least ten days before the date of the hearing. The governing body may provide for additional notice cumulative of notice by advertisement. Said hearing shall be before the governing body of such cities, at which hearing such owners shall have the right to contest the said assessment and personal liability, and the regularity of the proceedings with reference to the improvement, and the benefits of said improvement to their

property, and any other matter with reference thereto.

But no assessment shall be made against any owner of abutting property or his property in any event in excess of the actual benefit to such owner in the enhanced value of his property by means of such improvements as ascertained at such hearing.

The governing body of any city making improvements under the terms hereof shall by ordinance adopt rules and regulations providing for such hearings to property owners, and for giving reasonable notice thereof.

Sec. 9. The governing body of any city shall be empowered to correct any mistake or irregularity in any proceedings with reference to such improvement or the assessment of the cost thereof against abutting property and its owners, and in case of any error or invalidity to reassess against any abutting property and its owner the cost or part of the cost of improvements subject to the terms hereof, not in excess of the benefits in enhanced value of such property from such improvements, and to make reasonable rules and regulations for a notice to and hearing of property owners before such reassessment.

Sec. 10. Any property owner against whom or whose property any assessment or reassessment has been made shall have the right within twenty day thereafter to bring suit in any court having jurisdiction to set aside or correct the same or any proceeding with reference thereto on account of any error or invalidity therein. But thereafter such owner, his heirs, assigns or successors shall be barred from any such action, or any defense of invalidity in such proceedings or assessment or reassessment in any action in which the same may be brought in question.

Sec. 11. The benefits of this act shall apply to any city and the terms thereof extend to the same when the governing body thereof shall submit the question of the adoption or rejection hereof to a vote of the resident property tax payers who are qualified voters of said city, either at a regular election or a special election called for the purpose by said city. And said election shall be held as nearly as possible in compliance with the law with reference to regular city elections in said city; but said governing body is hereby empowered by resolution to order said election and prescribe the time and manner of holding the same. Said body shall canvass and determine the results of such election and if a majority of the voters voting upon

roads occupying streets or highways improved and their property, and to provide for the enforcement and collection of such assessments, and to provide for the submission hereof to a vote of the resident property taxpayers who are the qualified voters of such towns, cities, and villages, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That towns, cities, and villages incorporated under either general or special law, which shall accept the benefits of this act as herein provided, shall have power to improve any street, avenue, alley, highway, public place or square or any portion thereof within their limits, by filling, grading, raising, paving or repaving the same in a permanent manner or by the construction or reconstruction of sidewalks, curbs, and gutters, or by widening, narrowing, or straightening the same, and to construct necessary appurtenances thereto, including sewers and drains.

Sec. 2. That the term "city," whenever used herein shall include all incorporated towns, cities and villages; that the term "governing body" whenever used herein shall include the governing or legislative bodies of all incorporated towns, cities or villages, whether known as councils, commissions, boards of commissions, common councils, boards of aldermen or city councils, or whatever name such bodies may be known or designated under general or special laws; that whenever the term "highway" is used herein, it shall include any street, avenue, alley, highway or public place or square or portion thereof dedicated to public use.

Sec. 3. That the governing body of any city shall have power to order the improvement of any highway therein, or part thereof and to select the materials and methods for such improvement, and to contract for the construction of such improvements in the name of the city, and to provide for the payment of the cost of such improvements out of any available funds of the city or as herein provided.

Sec. 4. That the cost of making such improvements may be wholly paid by the city or part by the city and partly by owners of property abutting thereon, provided, that in no event shall more than three-fourths of the cost of any improvement, except sidewalks and curbs be assessed against such property owners or their property. But the whole cost of construction of sidewalks and curbs

in front of any property may be assessed against the owner thereof or his property.

Sec. 5. Subject to the terms hereof the governing body of any city shall have power to assess against the owner of any railroad or street railroad occupying any highway ordered to be improved the whole cost of the improvement between or under the rails and tracks of said railroad or street railroad and two feet on the outside thereof, and shall have power by ordinance to levy a special tax upon said railroad, or street railroad and its roadbed, ties, rails, fixtures, rights, and franchises, which tax shall constitute a lien thereon superior to any other lien or claim except State, county and municipal taxes, and which may be enforced either by sale of said property in the manner provided by law in the collection of ad valorem taxes by the city or by suit against the owner in any court having jurisdiction. The ordinance levying said tax shall prescribe when same shall become due and delinquent, and the method or methods of enforcing the same.

Sec. 6. Subject to the terms hereof the governing body of any city shall have power by ordinance to assess the whole cost of constructing sidewalks or curbs, and not to exceed three-fourths of the cost of any other improvement, against the owners of property abutting on such improvement and against their abutting property benefited thereby, and to provide for the time and terms of payment of such assessments and the rate of interest payable upon deferred payments thereon, which rate of interest shall not exceed 8 per centum per annum, and to fix a lien upon the property and declare such assessments to be a personal liability of the owners of such abutting property. And such governing body shall have power to cause to be issued in the name of the city assignable certificates, declaring the liability of such owners and their property for the payment of such assessments, and to fix the terms and conditions of such certificates.

If any such certificate shall recite that the proceedings with reference to making such improvements have been regularly had in compliance with law and that all prerequisites to the fixing of the assessment lien against the property described in said certificate, and the personal liability shall be prima facie evidence of the facts so recited and no further proof thereof shall be required in any court.

The ordinance making such assessments shall provide for the collection

thereof with costs and reasonable attorney's fees, if incurred.

Such assessments shall be secured by and constitute a lien on said property which shall be the first enforceable claim against the property against which it is assessed, superior to all other liens and claims, except State, county and municipal taxes.

Sec. 7. Nothing herein contained shall be construed to empower any city to fix a lien by assessment against any property exempt by law from sale under execution, but the owner of such exempt property shall nevertheless be personally liable for the cost of improvements constructed in front of his property which may be assessed against him. The fact that any improvement is omitted in front of exempt property shall not invalidate the lien of assessments made against other property on the highway improved, not so exempt. The lien created against any property or the personal liability of the owner thereof, may be enforced by suit in any court having jurisdiction or by the sale of the property assessed in the same manner as may be provided by law for the sale of property for ad valorem city taxes. The recital in any deed made pursuant to such sale, that all legal prerequisites to said assessment and sale have been complied with, shall be prima facie evidence of the facts so recited and shall in all courts be accepted without further proof.

Sec. 8. No assessment of any part of the cost of such improvement shall be made against any property abutting thereon or its owner, until a full and fair hearing shall first have been given to the owners of such property preceded by a reasonable notice thereof given to said owners, their agents or attorneys; such notice shall be by advertisement inserted at least three times in some newspaper published in the city, town or village where such tax is sought to be improved, if there be such a paper, then, if not, the nearest paper to said city, town or village of general circulation in the county in which said city is located, the first publication to be made at least ten days before the date of the hearing. The governing body may provide for additional notice cumulative of notice by advertisement. Said hearing shall be before the governing body of such cities, at which hearing such owners shall have the right to contest the said assessment and personal liability, and the regularity of the proceedings with reference to the improvement, and the benefits of said improvement to their

property, and any other matter with reference thereto.

But no assessment shall be made against any owner of abutting property or his property in any event in excess of the actual benefit to such owner in the enhanced value of his property by means of such improvements as ascertained at such hearing.

The governing body of any city making improvements under the terms hereof shall by ordinance adopt rules and regulations providing for such hearings to property owners, and for giving reasonable notice thereof.

Sec. 9. The governing body of any city shall be empowered to correct any mistake or irregularity in any proceedings with reference to such improvement or the assessment of the cost thereof against abutting property and its owners, and in case of any error or invalidity to reassess against any abutting property and its owner the cost or part of the cost of improvements subject to the terms hereof, not in excess of the benefits in enhanced value of such property from such improvements, and to make reasonable rules and regulations for a notice to and hearing of property owners before such reassessment.

Sec. 10. Any property owner against whom or whose property any assessment or reassessment has been made shall have the right within twenty day thereafter to bring suit in any court having jurisdiction to set aside or correct the same or any proceeding with reference thereto on account of any error or invalidity therein. But thereafter such owner, his heirs, assigns or successors shall be barred from any such action, or any defense of invalidity in such proceedings or assessment or reassessment in any action in which the same may be brought in question.

Sec. 11. The benefits of this act shall apply to any city and the terms thereof extend to the same when the governing body thereof shall submit the question of the adoption or rejection hereof to a vote of the resident property tax payers who are qualified voters of said city, either at a regular election or a special election called for the purpose by said city. And said election shall be held as nearly as possible in compliance with the law with reference to regular city elections in said city; but said governing body is hereby empowered by resolution to order said election and prescribe the time and manner of holding the same. Said body shall canvass and determine the results of such election and if a majority of the voters voting upon

the question of the adoption of this act at such election shall vote to adopt the same, the result of the election shall by said governing body be entered upon their minutes, and thereupon all the terms hereof shall be applicable to and govern such city adopting the same. A certified copy of said minutes shall be prima facie evidence of the result of such election and the regularity thereof and the facts therein recited shall in all courts be accepted as true. Whenever this act has been adopted by any city the governing body thereof shall have full power to pass all ordinances or resolutions necessary or proper to give full force and effect thereto and to every part thereof. Whenever 100 qualified voters in any city shall in writing petition for an election to determine the adoption of this act, it shall be the duty of its governing body to order such election.

Sec. 12. This act shall not repeal any law, general or special, already in existence, pertaining to the making of such improvements, but the provisions of this act and of resolutions or ordinances passed pursuant thereto, shall be cumulative of and in addition to such existing laws; provided, that in any case in which a conflict may exist or arise between the provisions of this act and the provisions of any law granting a special charter to any city in this State, the provisions of such special charter shall control.

Sec. 13. The fact that many cities have no general funds out of which street improvements can be constructed and no charter powers under which the cost thereof can be collected from owners of abutting property benefited thereby or from public service corporations occupying the streets, and the fact that such improvements are urgently needed, and that the citizens of many cities are anxious to obtain the benefits of this act, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring the reading of bills on three several days in each house, and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 17, and find it correctly enrolled, and have this day,

at 10:45 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

S. B. No. 17.

By Alexander.

An Act to amend Article 642 of the Revised Civil Statutes of Texas of 1895, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature, Chapter 62, Acts of the Twenty-ninth Legislature, Chapter 150, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 642 of the Revised Civil Statutes of the State of Texas as amended in Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, and Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, Chapter 62, Acts of the Twenty-ninth Legislature, Chapter 150, Acts of the Thirtieth Legislature, be amended by the addition of Subdivision 61, amended to read as follows:

"61. The construction, acquiring, maintaining and operating lines of electric, gas or gasoline, denatured alcohol, or naphtha motor railways within and between any cities or towns in this State for the transportation of freight or passengers, and may also construct, own and operate union depots, but no electric, gas or gasoline, denatured alcohol or naphtha railways incorporated under this subdivision shall ever be exempt from the payment of assessments that may be legally levied or assessed against it for street improvements. Corporations created under this subdivision shall be and are authorized to exercise the right of eminent domain for the purpose of acquiring right of way upon which to construct their railway lines and sites for depots and power plants, upon the same conditions and in the same manner as railroad corporations are now required to do under the laws of this State, and shall have the same powers, rights and privileges as are now granted to in-

terurban electric railway companies by Chapter 15, Acts of the Thirtieth Legislature and all the powers of whatsoever kind or character conferred by said act; provided, no property upon which is located a cemetery shall ever be condemned unless it shall affirmatively be shown and so found by the court trying in such condemnation suits that it is necessary to take such property, and no other route is possible or practicable; and provided, that the electric, gas or gasoline, denatured alcohol, or naphtha railways incorporated under provisions of this act which shall engage in transporting freight shall be subject to the control of the Railroad Commission."

Sec. 2. The crowded condition of the calendar and there being no law now authorizing the incorporation of gas or gasoline, denatured alcohol or naphtha railways, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
Saturday, May 8, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Meachum.	Veale.
Thomas.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of

yesterday, on motion of Senator Stokes, the same was dispensed with.

Morning call concluded.

HOUSE BILL NO. 5.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk Penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

HOUSE BILL NO. 51.

Senator Bryan called up House bill No. 51, which was on the table subject to call, and the Chair laid before the Senate, on second reading,

House bill No. 51, A bill to be entitled "An Act relating to, and to provide for a more systematic, efficient and economical method of bookkeeping and accounting for the General Land Office of the State of Texas, as pertains to the keeping of accounts and data relative to the public lands of the State, the sales thereof, and payment and collection of principal and interest thereon, and providing for forfeiture and cancellation of sales; repealing Article 404h of Chapter 2 of Title 87 of the Revised Civil Statutes of 1895, relating to the filing and endorsement of papers and documents placed in the General Land Office; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The question on the bill was the pend-

ing amendment by Senator Hudspeth (see Journal of yesterday for amendment).

The amendment was lost.

Senator Masterson offered the following amendment:

Amend the bill by adding after the word "Commissioner" in Section 2, page 2, line 8, the words: "and if such remittances are not paid in due course of banking."

The amendment was lost by the following vote:

Yeas—7.

Alexander.	Terrell of McLennan.
Hudspeth.	Weinert.
Masterson.	Willacy.
Perkins.	

Nays—20.

Adams.	Mayfield.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.

Absent.

Meachum.	Thomas.
Real.	Veale.

Senator Bryan moved the previous question on the bill, which motion being duly seconded, was so ordered.

Bill read second time, and passed to third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Meachum.	Thomas.
Real.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Meachum.	Thomas.
Real.	Veale.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for nonresident hunters; providing that funds, received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of

the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller," with amendments.

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency," with amendments.

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency," with amendments.

Senate bill No. 35, A bill to be entitled "An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and de-

claring an emergency," with amendments.

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature, so as to permit the owner of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency," with amendments.

Also does not concur in Senate substitute for House amendments to Senate bill No. 4, and requests the appointment of a Free Conference Committee. The following has been appointed on part of the House: Messrs. Treckmann, Baker of Hood, Mobley, Rayburn and Cureton.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

By Senator Senter:

Whereas, The National Association of Credit Men, which represents and controls the credit risks of over 10,000 manufacturing, jobbing, insurance and banking institutions of the United States, will meet in annual convention June 15, 16, 17 and 18 in the city of Philadelphia; and

Whereas, The city of Dallas will extend an invitation to this great financial body to become its guests in the year 1910; and

Whereas, We would like for the commercial and banking interests of Texas to enjoy the benefits that would result from holding this meeting in Texas, as well as for the representatives of the National association to become thoroughly acquainted with the immeasurable resources of Texas; therefore, be it

Resolved, That the Senate of the State of Texas extends a cordial invitation to the said National association and its honorable board of directors to hold the next annual meeting in Texas in 1910.

The resolution was read and adopted.

HOUSE SUBSTITUTE FOR SENATE BILL NO. 4—FREE CONFERENCE COMMITTEE ON.

Senator Alexander here called up the request of the House for a Free Conference Committee on House substitute for Senate bill No. 4, and moved that the request be granted. The motion was adopted, and the Chair (Lieutenant Governor Davidson) appointed the following as the Free Conference Committee: Sena-

tors Alexander, Terrell of McLennan, Senter, Hume and Hudspeth.

SENATE BILL NO. 12—FREE CONFERENCE COMMITTEE ON.

Senator Hudspeth called up

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for nonresident hunters; providing that funds, received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller."

And moved that the Senate do not concur in the following House amendments and asked for a Free Conference Committee:

Amend the caption of Senate bill No. 12 by striking out of the caption of the bill after the word "Comptroller," in line 35, down to and including the word "emergency," in line 39.

Also amend Senate bill No. 12 by striking out all that part of the bill after the word "herein," in line 25, from there down to and including the word "State," in line 40, page 3.

Amend Senate bill No. 12 by striking out the emergency clause.

Amend Senate bill No. 12, page 3, line 23, by inserting after the word "Commissioner" the following: "Or any other person or persons on whose lands said person or persons are found hunting or to any person who has the land under their control."

Amend Senate bill No. 12, page 3, lines 4, 5 and 6 of the printed bill, by striking out all after the word

"State," in line 4, down to and including the word "resides," in line 6, and insert the following: "Except in the county of his residence, or in the counties adjoining the county of his residence, or on land owned or controlled by him."

The motion to nonconcur was adopted, and the Chair appointed the following as the Free Conference Committee: Senators Hudspeth, Watson, Peeler, Kellie and Willacy.

SENATE BILL NO. 35—FREE CONFERENCE COMMITTEE ON.

Senator Terrell of Bowie called up

Senate bill No. 35, A bill to be entitled "An Act amending Section 8, of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-eighth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and declaring an emergency,"

And moved that the Senate do not concur in the House amendments, and asked for a Free Conference Committee.

Amend Senate bill No. 35 as follows:

Strike out on page 4, Section 8, all of line 12 after the word "assume," and all of line 13 and the word "intent" in line 14, the following:

"And shall have been made with fraudulent intent."

The motion to non-concur prevailed, and the following is the Free Conference Committee: Senators Terrell of Bowie, Brachfield, Sturgeon, Hayter and Mayfield.

HOUSE BILL NO. 32.

Senator Stokes called up House bill No. 32, which was on the table subject to call.

The Chair laid before the Senate, on second reading,

House bill No. 32, A bill to be entitled "An Act to appropriate the sum of One Hundred Thousand Dollars (\$100,000) or so much thereof as may be necessary, from the general revenues of the State, to be used in operating the iron industry at the State penitentiary at Rusk, Texas; providing that such money shall

be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of same by the State Treasurer, and declaring an emergency."

The committee report that the bill be not printed was adopted.

(Senator Real in the chair.)

Senator Hume offered the following amendment:

Amend House bill No. 32 by striking out of Section 1, after the word "purpose," the following: "and any money so used shall be returned to the general revenue of the State from any available net revenues of the penitentiary system within eighteen months after the passage of this act. This appropriation shall not be considered as a charge against the general revenues of the State, and the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years of 1909 and 1910."

HUME,
SENTER.

Senator Harper offered the following substitute for the amendment:

Amend the bill by striking out all after the word "purpose" in Section 1, and substituting the following:

"Provided all net revenues received from the operation of the iron industry at the State penitentiary at Rusk during the next two years shall be paid into the Treasury biennially."

HUME,
HARPER.

The substitute was adopted.

The amendment, as substituted, was then adopted.

Senator Senter offered the following amendment:

Amend the bill by adding at the end of Section 1, the following words:

"Such appropriation shall be used only for the benefit of the iron industry, and for no other purpose. The Penitentiary Board shall be, and it is hereby authorized to make a contract with any person, firm or corporation whereby a plant for the manufacture of steel shall be established by such person, firm or corporation at Rusk which will utilize in whole or in part in the manufacture of steel, the output of the iron industry operated by the State, and to make agreement in such contract for the sale

of such iron products to such person, firm or corporation, for such period, under such conditions, and upon such terms as may seem to said board to be expedient and necessary to induce the establishment of a plant for the manufacture of steel at such place, and to make agreement in such contract for the employment of convicts in the operation of such steel plant, if they are desired by the managers thereof. Any such contract shall not become effective until approved by the Governor."

SENTER,
HUME,
TERRELL of McLennan.

Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by inserting between the words "purpose" and "the" in line 2, the following: "and under no circumstances shall any part of such appropriation be used for the benefit or use of the State railroad."

The amendment to the amendment was adopted.

The amendment, as amended, was adopted.

Senator Harper offered the following amendment, which was read and adopted:

Amend House bill No. 32 by striking from the caption the following:

"Providing that such money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910," and adding the following in lieu thereof: "providing that all net revenues shall be paid into the Treasury biennially."

HUME,
SENTER,
HARPER.

SIMPLE RESOLUTION.

By Senator Perkins:

Whereas, The Senate of Texas has at last gone Republican, Hon. Julius Real, presiding, for the first time in the history of this great imperial State; therefore, be it

Resolved, That we congratulate the Senate in having such a sane, sound and safe presiding officer, Republican, though he may be, and hereby extend our best wishes, as well as sympathy,

in this, the first great ordeal for Texas, from a Republican standpoint.

PERKINS,
PAULUS,
WEINERT,
HUDSPETH.

The resolution was read and adopted.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 60, A bill to be entitled "An Act to repeal Article 782, Chapter 6, Title 8 of the Code of Criminal Procedure of the State of Texas."

House bill No. 4, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twentieth Legislature of the State of Texas; and known as the State Banking Law, providing additional safeguards for the protection of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board, to close and take possession of the property and business of such institutions, and providing for their liquidation; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examinations and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensation; prescribing the terms upon

which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employees of State banks to embezzle, abstract, or wilfully misapply its money, funds or securities, or to issue evidence of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention, or for any officer, director, agent or employee of any State bank to knowingly and wilfully do any act, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law, or for any officer, clerk, or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such offenses so defined, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Senator Real) had referred, after their captions had been read, the following House bills (see above House Message for captions):

House bill No. 60, referred to Judiciary Committee No. 2.

House bill No. 4, referred to Committee on Insurance, Statistics and History.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate bill No. 12. The following have been appointed on part of the House: Messrs. Munson, McCallum, Flournoy, Terrell of Cherokee, and Goodman.

Also does not concur in Senate amendments to House bill No. 18, and requests the appointment of a Free Conference Committee. The following have been appointed on part of the House: Messrs. Crockett of Washington, Cox, Stamps, Gilmore, and Robertson of Erath.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 18—FREE CONFERENCE COMMITTEE ON.

Senator Willacy here moved that the Senate grant the request of the House for a Free Conference Committee on House bill No. 18. The motion was adopted, and the following is the committee: Senators Willacy, Weinert, Peeler, Harper and Terrell of Bowie.

SENATE BILL NO. 41—HOUSE AMENDMENTS CONCURRED IN.

Senator Hudspeth called up

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 41, page 7, by inserting the words "as amended by Chapter 145, Acts of the Thirtieth Legislature," after the word "Legislature," in line 6 of the caption of the bill.

Amend Section 7 of the bill by inserting the following after the word

"Legislature," in line 19: "As amended by Chapter 145, Acts of the Thirtieth Legislature."

The motion to concur was adopted.

SENATE BILL NO. 18—FREE CONFERENCE COMMITTEE ON.

Senator Watson called up

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses, arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

And moved that the Senate do not concur in the following House amendments, and asked for a Free Conference Committee:

Amend Senate bill No. 18, Section 3, by adding at the end thereof the following: "and it shall be the duty of the Commissioner of Insurance and Banking to revoke the certificate of authority of any such surety company or agent thereof so violating any of the provisions of this act."

The motion to non-concur prevailed, and following is the Free Conference Committee: Senators Watson, Peeler, Meachum, Adams and Hudspeth.

SENATE BILL NO. 7—HOUSE AMENDMENTS CONCURRED IN.

Senator Masterson called up

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 7 as follows:

By striking out of lines 22 and 23 the words "and the Tyler city subsidy bond account."

By striking out of lines 32, 33 and 34, the words "and the further fact that an item of 40 cents has been carried on

the books for twenty years to the credit of the Tyler city subsidy bond account entailing needless bookkeeping."

Amend the caption, line 18, by striking out the words "and the Tyler city subsidy bond account."

By striking out the word "food" at the beginning of line 22, and insert in lieu thereof the word "feed."

By adding, in line 24, after the word "Texas," the following: "Except so much of the pure feed fund as may have accrued since the 12th day of July, 1907, and the State Treasurer is hereby authorized and directed to pay over to the Treasurer of the A. and M. College of Texas so much of said fund as may have accrued since July 12, 1907, and now held by the State Treasurer to the credit of said fund."

By adding at the end of line 29, after the word "Treasurer" the following: "Except so much of the pure feed fund as shall accrue prior to July 12, 1909, which, if any, shall be paid into the State Treasury, shall be paid over to the treasurer of the A. and M. College."

Amend the caption to Senate bill No. 7, by striking out all after the words "A bill to be entitled," and insert in lieu thereof the following:

"An Act transferring to the general revenue of the State all money now to the credit of the pure feed fund, and the quarantine fees fund, Galveston station, except so much of the pure feed fund as may have accrued since the 12th day of July, 1907, and providing that all revenue hereafter paid into the State Treasury to the credit of either of said accounts, except so much of the pure feed fund as shall accrue prior to July 12, 1909, shall forthwith be transferred to and become a part of the general revenue of the State, and declaring an emergency."

Strike out in lines 17 and 18 and in line 22, the following words: "Quarantine fees funds, Galveston Station."

Strike out in line 17, after the word "fund," the following words: "Quarantine fees fund, Galveston Station."

The motion to concur prevailed by the following vote:

Yeas—25.

Adams.
Brachfield.
Bryan.
Cofe.
Greer.
Harper.
Hayter.

Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.
Mayfield.
Meachum.

Paulus.
Peeler.
Perkins.
Real.
Senter.
Sturgeon.

Terrell of Bowie.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Alexander.
Murray.
Stokes.

Terrell of McLennan.
Thomas.
Veale.

EXCUSED.

On account of important business:

Senator Meachum for yesterday, on motion of Senator Willacy.

BILL ON FIRST READING.

By Senators Watson and Meachum:

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4 of an act passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to define and regulate the practice of professional nursing; to create a Board of Nurse Examiners for the examination and licensing of nurses, and to prescribe their qualifications; to provide for their proper registration and for the revocation of certificates, and to fix suitable penalties for the violation of this act, and declaring an emergency,' which said act was known as Senate bill No. 111; and to provide that all nurses who were engaged in nursing at the time of the passage of this act and who shall show to the satisfaction of said board that they are of good moral character and were graduated prior to April 1, 1909, from a training school connected with a general hospital or sanitarium giving two years general training, or prior to the year 1901, having given eighteen months general training and who maintain in others respects, proper standards, shall be entitled to registration without examination."

Read first time, and referred to Judiciary Committee No. 2.

HOUSE BILL NO. 32.

Action recurred on House bill No. 32, and Senator Senter offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting before the words "and declaring an emergency" the following words: "And providing that the penitentiary board shall have authority to make a contract with any person, firm or corporation for the establishment by such

person, firm or corporation of a steel plant at Rusk, and for the sale to the owners thereof of the product of the iron industry owned by the State, and for the use of convict labor in the operation of such steel plant, which contract shall be subject to approval by the Governor." (Lieutenant Governor Davidson in the chair.)

Bill read second time, and passed to a third reading.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Murray.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Murray.	Veale.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 72, A bill to be entitled "An Act to amend Section 114 and Section 120 of Chapter 2 of the Acts of the First Called Session of the Twentieth Legislature, as amended by Chapter 177 of the Acts of the Thirtieth Legislature of 1907, relating to elections, manner of holding, and prescribing the duties of the district chairman and executive committee of the various districts, and prescribing mode of canvassing the returns and declaring result in districts composed of only one county, and repealing all laws in conflict herewith."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption of):

House bill No. 72, referred to Committee on Privileges and Elections.

HOUSE BILL NO. 39.

On motion of Senator Cofer, the pending order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 39, by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander. Thomas.
Terrell of McLennan. Veale.

(President Pro Tem. Murray in the chair.)

On motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—28.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Alexander. Veale.
Thomas.

The Chair laid before the Senate, on second reading,

House bill No. 39, A bill to be entitled "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union passenger depots; providing penalties; and declaring an emergency."

The committee report, with amendments, and that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Cofer.	Masterson.
Greer.	Mayfield.
Harper.	Meachum.
Hayter.	Murray.
Holsey.	Paulus.

Peeler.
Perkins.
Real.
Senter.
Stokes.
Sturgeon.

Terrell of Bowie.
Terrell of McLennan.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Alexander. Veale.
Thomas.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Alexander. Veale.
Thomas.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

Senator Kellie moved that the Senate recess until 3 o'clock today.

The motion was adopted by the following vote:

Yeas—19.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Meachum.	

Nays—9.

Cofer.	Mayfield.
Greer.	Perkins.
Holsey.	Real.

Terrell of Bowie. Ward.
Terrell of McLennan.

Absent.

Alexander. Veale.
Thomas.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 5.

Action here recurred on House bill No. 5 (see former proceedings today for caption of).

There being a favorable majority committee report and an adverse minority committee report with a favorable substitute bill,

Senator Senter moved to adopt the minority committee report.

Pending discussion, Senator Senter withdrew the motion to adopt the minority committee report.

The majority committee report was then adopted, on motion of Senator Brachfield.

(President Pro Tem Murray in the chair.)

Senator Senter offered the following amendment:

Amend the bill by adding two new sections to be numbered 4 and 5, and renumbering the other sections accordingly, said new sections to read as follows:

"Section 4. The Board of Penitentiary Commissioners shall be authorized, and it is hereby made their duty to complete to the town of Palestine the said railroad owned by the State as speedily as practicable. When said railroad shall be completed to the town of Palestine, it shall be the duty of the Penitentiary Commissioners to advertise the same for sale by giving notice thereof in at least three daily newspapers published in the State of Texas and in at least one daily newspaper published in the city of New York. Said railroad shall be sold either at public or private sale under conditions as to terms and with respect to all other matters relating thereto as may be fixed by the Board of Penitentiary Commissioners; provided that the selling price shall not be less than \$15,000 per mile, including the rolling stock and other appurtenances thereof.

"Sec. 5. When said railroad shall be

sold as herein provided for the proceeds shall be appropriated:

"1. To the repayment of the permanent school fund of the amount used out of the appropriation herein made for the completion of said railroad and for the taking up of the bonds issued therefor under the provisions of this act.

"2. The remainder of the proceeds of the sale of the railroad shall be deposited in the State Treasury to the credit of the penitentiaries, to be used and appropriated as any other proceeds of operation of the penitentiaries."

SENTER,
MURRAY,
HUME.

Senator Bryan moved to table the amendment, which motion to table was lost by the following vote:

Yeas—7.

Bryan.
Mayfield.
Meachum.
Stokes.

Sturgeon.
Terrell of Bowie.
Ward.

Nays—16.

Adama.
Alexander.
Cofe.
Harper.
Hayter.
Hudspeth.
Hume.
Kellie.

Masterson.
Murray.
Paulus.
Peeler.
Real.
Senter.
Terrell of McLennan.
Weinert.

Absent.

Greer.
Holsey.
Perkins.

Thomas.
Veale.
Willacy.

PAIRED.

Senator Brachfield (present), who would vote "yea," with Senator Watson (absent), who would vote "nay."

The amendment was then adopted.

Senator Senter offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting just before the words "and declaring an emergency" the following words: "And providing for the sale of said road by the Board of Penitentiary Commissioners and for the disposition of the proceeds arising from the sale thereof."

Bill read second time, and passed to a third reading.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended and

the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Real.
Hayter.	Senter.
Hudspeth.	Stokes.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—2.

Bryan.	Sturgeon.
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Absent.

Greer.	Veale.
Holsey.	Watson.
Perkins.	Willacy.
Thomas.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of
Kellie.	McLennan.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	

Nays—1.

Bryan.

Present—Not Voting.

Sturgeon.

Absent.

Greer.	Veale.
Holsey.	Watson.
Perkins.	Willacy.
Thomas.	

Senator Stokes moved to reconsider the vote by which the the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 8, 1909.

Hon. A. B. Davidson President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 39.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 18. The following has been appointed on part of the House: Messrs. Robertson of Travis, Wortham, Schluter, Jennings and Fitzhugh.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 35. The following has been appointed on part of the House: Messrs. Cable, Reedy, Vaughan, Chaney and McCallum.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL SIGNED.

The Chair (President Pro Tem. Murray) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 51, "An Act relating to, and to provide for a more systematic, efficient and economical method of bookkeeping and accounting for the General Land Office of the State of Texas, as pertains to the keeping of accounts and data relative to the public lands of the State, the sales thereof, and payment and collection of principal and interest thereon, and providing for forfeiture and cancellation of sales; repealing Article 4046 of Chapter 2 of Title 87 of the Revised Civil Statutes of 1895, relating to the filing and endorsement of papers and documents placed in the General Land Office; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 4:30 o'clock p. m., adjourned until 10 o'clock a. m. Monday.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 53, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the State Treasurer, and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties, requiring the chief clerk to give bond; providing methods for the receiving and handling of all bonds, funds, warrants, and other claims; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be not printed.

Peeler, Chairman; Stokes, Ward, Bryan, Sturgeon, Cofer, Perkins.

Committee Room,

Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 39, A bill to be entitled "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union passenger depots, providing penalties, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, with the following amendment, and be not printed:

Amend House bill No. 39, page 1, Section 1, by inserting in line 11 of said section, after the word "town," the following:

"Provided, that it shall appear to the Railroad Commission that the construction and maintenance of such joint or union passenger depot, are just and reasonable to the railroad companies involved, and demanded by the public interest."

BRACHFIELD, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Monday, May 10, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Sturgeon.	Veale.
Thomas.	

Prayer by Rev. Reed.

Pending the reading of the Journal of Saturday, on motion of Senator Hayter, the same was dispensed with.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 32 by the following vote: Yeas, 89; Nays, 4.

Also, does not concur in Senate amendments to House bill No. 5, and requests the appointment of a Free Conference Committee. The following was appointed on part of the House: Messrs. Terrell of Cherokee, Bell, Elliott, Brownlee, and O'Bryan.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 5—FREE CONFERENCE COMMITTEE ON.

Senator Terrell of McLennan here moved that the Senate grant the request of the House for a Free Conference Committee on House bill No. 5. The motion was adopted, and the Chair appointed the following committee: Senators Murray, Terrell of McLennan, Hayter, Watson, Masterson.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Watson:

Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, and others, and to prevent discriminations, favoritism, or rebates, and declaring an emergency,"

To adjust the differences between the two houses, beg leave to report that we have agreed upon the adoption of the House amendment, and recommend that the same be adopted by the Senate.

WATSON,
ADAMS,
HUDSPETH,
MEACHUM,
PEELER,
On the part of the Senate.
ROBERTSON of Travis,
SCHLUTER,
FITZHUGH,
WORTHAM,
JENNINGS,
On the part of the House.

The above report was read and adopted by the following vote:

Yeas—27.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Harper.	Meachum.
Hayter.	Murray.
Holsey.	Paulus.
Hudspeth.	Real.
Hume.	Stokes.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	

Absent.

Peeler.	Terrell of McLennan.
Perkins.	Thomas.
Senter.	Veale.
Sturgeon.	Weinert.
Terrell of Bowie.	Willacy.

HOUSE BILL NO. 48.

The Chair laid before the Senate, on second reading,

House bill No. 48, A bill to be entitled "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.

Absent.

Hudspeth.	Thomas.
Peeler.	Veale.
Senter.	Weinert.
Sturgeon.	Willacy.
Terrell of McLennan.	

The bill was read third time, and was passed.

SENATE BILL NO. 19.

The Chair laid before the Senate, on second reading,

Senate bill No. 19, A bill to be entitled "An Act relating to the election, qualification and duties of the Commissioner of the General Land Office and his employees; providing a complete system of accounting, bookkeeping and auditing such accounts; prescribing rules and methods for the collection of fees, and keeping land accounts and collecting principal and interest on lands sold; providing system of accounting with the State Treasurer and the Comptroller of Public Accounts; providing for a general revision of the laws relating to the General Land Office."

On motion of Senator Harper, the above bill was laid on the table subject to call.

HOUSE BILL NO. 76.

On motion of Senator Harper, the regular order of business (House bill No. 52) was suspended, and the Senate took up, out of its order, House bill No. 76, by the following vote:

Yeas—23.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	

Absent.

Peeler.	Thomas.
Sturgeon.	Veale.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 76, A bill to be entitled "An Act to amend Section 126 of Chapter 11 of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature of 1905, entitled 'An Act to regulate elections, general, special and primary, and political conven-

tions, approved April 1, 1903,' and also to amend Section 141 of said Chapter 11 as passed at the First Called Session of the Twenty-ninth Legislature and as amended by the Thirtieth Legislature, approved April 30, 1907, relative to contests in primary elections."

The committee report, providing that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill was put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.

Absent.

Peeler.	Veale.
Sturgeon.	Weinert.
Terrell of Bowie.	Willacy.
Thomas.	

The bill was read third time, and was passed.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the reports of the Free Conference Committees on Senate bills Nos. 18 and 35.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

HOUSE BILL NO. 53.

On motion of Senator Hayter, the

regular order of business (House bill No. 52) was suspended, and the Senate took up, out of its order, House bill No. 53, by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	

Nays—1.

Terrell of McLennan.

Absent.

Harper.	Thomas.
Hume.	Veale.
Peeler.	Weinert.
Sturgeon.	Willacy.
Terrell of Bowie.	

The Chair laid before the Senate, on second reading,

House bill No. 53, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the State Treasurer, and the duties of his employes; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties, requiring the chief clerk to give bond; providing methods for the receiving and handling of all bonds, funds, warrants, and other claims; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Here Senator Masterson moved to suspend pending business and take up House bill No. 72.

Senators Hume, Adams and Real asked that their names be withdrawn from the committee report.

That request was granted, and then the point of order was raised that the bill would have to be rereferred to the committee in that there was not a majority of the committee signing the report, the report being a floor report.

The point of order was sustained, and the bill was rereferred to Committee on Privileges and Elections.

Action then recurred on House bill No. 53.

Bill read second time, and passed to a third reading.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.

Absent.

Harper.	Thomas.
Masterson.	Veale.
Peeler.	Weinert.
Sturgeon.	Willacy.
Terrell of Bowie.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Stokes.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	

Nays—1.

Holsey.

Absent.

Harper.	Thomas.
Peeler.	Veale.
Senter.	Weinert.
Sturgeon.	Willacy.
Terrell of Bowie.	

Senator Hayter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following bill:

House bill No. 30, A bill to be entitled
"An Act to provide for refunding a
portion of the public debt and the re-
tirement of certain bonds of the State
of Texas, a part thereof maturing on the
first day of July, 1909, and a part ma-
turing September 1, 1910; providing for
the execution of new bonds in lieu there-
of at a lower rate of interest, the manner
of exchange and sale of said bonds, and
declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Da-
vidson) had referred, after its caption
had been read, the following House bill
(see above House message for caption
of):

House bill No. 30, referred to Com-
mittee on State Affairs.

**FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.**

By Senator Hayter:

Austin, Texas, May 8, 1909.

Hon. A. B. Davidson, President of the
Senate, and Hon. John Marshall,
Speaker of the House of Representa-
tives.

Sirs: We, your Free Conference Com-
mittee, appointed to adjust the differ-
ences between the Senate and the House
on Senate bill No. 35, beg leave to report
that we have had the same under con-
sideration, and that the Senate accedes
to the House amendment.

TERRELL of Bowie,
HAYTER,
STURGEON,
BRACHFIELD,

On the part of the Senate.

VAUGHAN,
CHANEY,
KEEBLE,

On the part of the House.

The above report was read and adopt-
ed by the following vote:

Yeas—22.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Hayter.
Holsey.
Hudspeth.
Hume.
Kellie.
Masterson.

Mayfield.
Meachum.
Murray.
Paulus.
Perkins.
Real.
Senter.
Stokes.
Terrell of McLennan.
Ward.
Watson.

Absent.

Greer.
Harper.
Peeler.
Sturgeon.
Terrell of Bowie.

Thomas.
Vaale.
Weinert.
Willacy.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following:

House bill No. 29, A bill to be entitled
"An Act to prescribe the method of
pleading in civil cases in the district
and county courts of the State, and to
repeal all laws in conflict with this act,
and declaring an emergency."

Also House Concurrent Resolution No.
4, relating to gambling in agricultural
products.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RECESS.

On motion of Senator Murray, the
Senate recessed until 3:30 o'clock today.

AFTER RECESS.

The Senate was called to order by
Lieutenant Governor Davidson.

SIMPLE RESOLUTION.

By Senator Perkins:

Whereas, The long drawn out Regular
and Called Sessions of the Thirty-first
Legislature are about to come to a
close; and

Whereas, No State in this Union has

a more ably edited, more enterprising, or more fair press than Texas, therefore, be it

Resolved, That the Senate hereby express its grateful and most appreciative thanks to Messrs. Tom Finty, Jr., of the Dallas-Galveston News, William M. Thornton of the Dallas-Galveston News, George Waverly Briggs of the San Antonio Express, Lloyd Lockridge of the San Antonio Express, L. A. Petit of the Houston Post and Fort Worth Record, Harry M. Johnston of the Houston Post, Dan Ruggles of the Beaumont Enterprise, Jack Fernandez of the Austin Statesman, and Glenn Pricer of the Austin Tribune, for their enterprising, liberal, fair and timely reports of the proceedings of the Senate of Texas. Their hours have been long and arduous, but they were always on hand, never shirking their duty, but giving this Senate a "square deal" upon all matters and upon all occasions.

PERKINS,
PAULUS.

The resolution was read and adopted.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read, the following House bill (see Fourth House Message for caption of):

House bill No. 29, referred to Judiciary Committee No. 1.

House Concurrent Resolution No. 4, referred to Committee on Agricultural Affairs.

RECESS.

Senator Watson moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Mayfield moved that the Senate recess until 8 o'clock tonight.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow morning was lost.

The motion to recess until 8 o'clock tonight was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

BILLS SIGNED.

The Chair (Lieutenant Governor Dav-

idson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 28, "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

Senate bill No. 7, "An Act transferring the balances now to the credit and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

Senate bill No. 41, "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

House bill No. 39, "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union passenger depots, providing penalties, and declaring an emergency."

ADJOURNMENT.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock. The motion was adopted.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Tuesday, May 11, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll called, quorum present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Sturgeon.	Veale.
Thomas.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 38, A bill to be entitled "An Act to amend Article 642, Title 21 of the Revised Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150 of the Thirtieth Legislature, by adding to the said Article 642 a new subdivision to be known as 'Subdivision 72,' providing that public corporations may be formed for the purpose of constructing, erecting and repairing buildings and structures of any and all kinds."

House bill No. 56, A bill to be entitled "An Act to constitute the Governor, the chairman of the Railroad Commission, the Secretary of State a board of accounting to put in force a system of accounting for the departments of Comptroller, General Land Office and Treasury, in pursuance of the provisions of the laws passed by the First Called Session of the Thirty-first Legislature;

making an appropriation to carry them into effect, and declaring an emergency."

Senate bill No. 42, A bill to be entitled "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 55, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts, the duties of his employes; providing a complete system of accounting, bookkeeping and auditing of accounts of the department and of other departments and officers of the government; providing that the Comptroller shall prepare forms to be used exclusively in making reports and claims; providing a system for the collection and handling of revenue of all kinds; providing for appointment of chief clerk and prescribing his duties; providing for filling vacancies."

Also requests a new Conference Committee on House bill No. 5, and have appointed on the part of the House the following: Messrs. Robertson of Travis, Tarver, Baker of Panola, Odom, Robertson of Erath.

Also adopted the Free Conference Committee report on Senate bill No. 12.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for captions):

House bill No. 55, referred to Committee on State Affairs.

House bill No. 56, referred to Committee on State Affairs.

House bill No. 38, referred to Committee on Internal Improvements.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Hudspeth:

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences on

Senate bill No. 12, A bill to be entitled

"An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing additional powers and duties; providing for a hunting license, etc., and declaring an emergency,'"

Have had the same under consideration, and beg leave to report it back to the Senate and House that the Senate has concurred in the House amendments, and we recommend that the bill do pass.

Respectfully submitted,

HUDSPETH,
WATSON,
WILLACY,
KELLIE,
PEELER,

On the part of the Senate.

GOODMAN,
McCALLUM,
MUNSON,
TERRELL of Cherokee,
FLOURNOY,

On the part of the House.

The above report was read and adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That a committee of five be appointed to arrange for the printing of the Journal of the Senate for the Regular and First and Second Called Sessions, and to determine what post-session clerical work is necessary in order to properly wind up the business of the Thirty-first Legislature, and to determine what officers and employees shall be retained to perform such post-session clerical work, and to make such recommendations in the premises as to said committee may appear proper.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the following as the committee: Senators Cofer, Greer, Stokes, Meachum and Holsey.

SIMPLE RESOLUTION.

By Senator Kellie:

Whereas, During the Regular and the Called Sessions of the Thirty-first Legislature, Hon. H. B. Terrell, Senator from the Eleventh District, has kindly, each week, furnished us with copies of that most excellent paper, the West

Times, of which he is the able editor; therefore, be it

Resolved, That the thanks of the Senate are hereby extended to him for this kindness.

PAULUS,
KELLIE,
WEINERT.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the resolution by adding the McKinney Democrat-Gazette.

Senator Mayfield offered the following amendment, which was read and adopted:

Amend the resolution by adding the following: "We hereby request these two honorable Senators to please continue to send us their most valuable papers without pay."

The resolution was then adopted.

SIMPLE RESOLUTION.

By Senator Hayter:

Resolved, That the Secretary be allowed postage to the amount of \$5.00 with which to mail out Journals and Manuals to the members and officers, after adjournment.

HAYTER,
MURRAY,

The above resolution was read and adopted.

FREE CONFERENCE COMMITTEE REPORT.

By Senator Murray:

Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and the House on

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at the Rusk penitentiary, for its maintenance and operation; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legisla-

ture; providing a lien upon said State railroad; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in the State of Texas, and declaring an emergency."

Beg to report that the committee has had this matter under consideration, and after due and deliberate consideration of the differences between the two houses, find it absolutely impossible to reach an agreement between the committees.

Respectfully submitted,

MURRAY,
MASTERTSON,
TERRELL of McLennan,
WATSON,
HAYTER,

On the part of the Senate.

TERRELL of Cherokee,
O'BRYAN,
BELL,
ELLIOTT,
BROWNLEE,

On the part of the House.

HOUSE BILL NO. 52.

The Chair laid before the Senate, on second reading,

House bill No. 52, A bill to be entitled "An Act to provide a method of apportioning, distributing and accounting of the available State school fund, and to repeal Sections 13, 14, 16, 17, 19, 23, 32 and 33 of Chapter 124 of the Acts of the Twenty-ninth Legislature, relating to the same subject, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Hudspeth.
Alexander.	Kellie.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Real.

Senter.	Ward.
Stokes.	Watson.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

Absent.

Hume.	Thomas.
Perkins.	Veale.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—1.

Harper.

Absent.

Perkins.	Thomas.
Sturgeon.	Veale.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On motion of Senator Hayter, Senators Willacy, Harper, Terrell of Bowie, Weinert and Peeler were excused from roll call on yesterday, on account of attending the Free Conference Committee on the general appropriation bill.

HOUSE BILL NO. 30.

On motion of Senator Harper, the regular order of business (Senate bill No. 40) was suspended, and the Senate took up, out of its order, House bill No. 30, by the following vote:

Yeas—26.

Adams.	Cofer.
Brachfield.	Greer.
Bryan.	Harper.

"An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing additional powers and duties; providing for a hunting license, etc., and declaring an emergency,'"

Have had the same under consideration, and beg leave to report it back to the Senate and House that the Senate has concurred in the House amendments, and we recommend that the bill do pass.

Respectfully submitted,

HUDSPETH,
WATSON,
WILLACY,
KELLIE,
PEELER,

On the part of the Senate.

GOODMAN,
McCALLUM,
MUNSON,
TERRELL of Cherokee,
FLOURNOY,

On the part of the House.

The above report was read and adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That a committee of five be appointed to arrange for the printing of the Journal of the Senate for the Regular and First and Second Called Sessions, and to determine what post-session clerical work is necessary in order to properly wind up the business of the Thirty-first Legislature, and to determine what officers and employees shall be retained to perform such post-session clerical work, and to make such recommendations in the premises as to said committee may appear proper.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the following as the committee: Senators Cofer, Greer, Stokes, Meachum and Holsey.

SIMPLE RESOLUTION.

By Senator Kellie:

Whereas, During the Regular and the Called Sessions of the Thirty-first Legislature, Hon. H. B. Terrell, Senator from the Eleventh District, has kindly, each week, furnished us with copies of that most excellent paper, the West

Times, of which he is the able editor; therefore, be it

Resolved, That the thanks of the Senate are hereby extended to him for this kindness.

PAULUS,
KELLIE,
WEINERT.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the resolution by adding the McKinney Democrat-Gazette.

Senator Mayfield offered the following amendment, which was read and adopted:

Amend the resolution by adding the following: "We hereby request these two honorable Senators to please continue to send us their most valuable papers without pay."

The resolution was then adopted.

SIMPLE RESOLUTION.

By Senator Hayter:

Resolved, That the Secretary be allowed postage to the amount of \$5.00 with which to mail out Journals and Manuals to the members and officers, after adjournment.

HAYTER,
MURRAY,

The above resolution was read and adopted.

FREE CONFERENCE COMMITTEE REPORT.

By Senator Murray:

Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and the House on

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at the Rusk penitentiary, for its maintenance and operation; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legisla-

ture; providing a lien upon said State railroad; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in the State of Texas, and declaring an emergency."

Beg to report that the committee has had this matter under consideration, and after due and deliberate consideration of the differences between the two houses, find it absolutely impossible to reach an agreement between the committees.

Respectfully submitted,

MURRAY,
MASTERTSON,
TERRELL of McLennan,
WATSON,
HAYTER,

On the part of the Senate.

TERRELL of Cherokee,
O'BRYAN,
BELL,
ELLIOTT,
BROWNLEE,

On the part of the House.

HOUSE BILL NO. 52.

The Chair laid before the Senate, on second reading,

House bill No. 52, A bill to be entitled "An Act to provide a method of apportioning, distributing and accounting of the available State school fund, and to repeal Sections 13, 14, 16, 17, 18, 23, 32 and 33 of Chapter 124 of the Acts of the Twenty-ninth Legislature, relating to the same subject, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Hudspeth.
Alexander.	Kellie.
Brachfield.	Mastertson.
Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Real.

Senter.	Ward.
Stokes.	Watson.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

Absent.

Hume.	Thomas.
Perkins.	Veale.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Mastertson.	Weinert.
Mayfield.	Willacy.

Nays—1.

Harper.

Absent.

Perkins.	Thomas.
Sturgeon.	Veale.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On motion of Senator Hayter, Senators Willacy, Harper, Terrell of Bowie, Weinert and Peeler were excused from roll call on yesterday, on account of attending the Free Conference Committee on the general appropriation bill.

HOUSE BILL NO. 30.

On motion of Senator Harper, the regular order of business (Senate bill No. 40) was suspended, and the Senate took up, out of its order, House bill No. 30, by the following vote:

Yeas—26.

Adams.	Cofer.
Brachfield.	Greer.
Bryan.	Harper.

Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of
Mayfield.	McLennan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Absent.

Alexander.	Thomas.
Hume.	Veale.
Sturgeon.	

On motion of Senator Harper, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Sturgeon.	Veale.

The Chair laid before the Senate, on second reading,

House bill No. 30, A bill to be entitled "An Act to provide for refunding a portion of the public debt and the retirement of certain bonds of the State of Texas, a part thereof maturing on the first day of July, 1909, and a part maturing September 1, 1910; providing for the execution of new bonds in lieu thereof at a lower rate of interest, the manner of exchange and sale of said bonds, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read

on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Sturgeon.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Sturgeon.	Veale.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.
(Senator Hume in the chair.)

HOUSE BILL NO. 5—NEW FREE CONFERENCE COMMITTEE ON.

Senator Brachfield here moved that the Senate grant the request of the House for a new Free Conference Committee on House bill No. 5.

The motion was adopted.

The Chair (Senator Hume) appointed the following as the committee: Sen-

ators Senter, Adams, Paulus, Kellie, Stokes.

SIMPLE RESOLUTION.

By Senator Holsey:

Whereas, The Hon. Tom Connally of Falls county is now within the Senate gallery, and whereas he has been a distinguished member of former Legislatures and is an eloquent and forceful speaker who has rendered distinguished service to the people of Texas; therefore, be it

Resolved, That he be invited to address this Senate instantler during our closing hours, and that a committee of three be appointed to escort him to the President's stand.

TERRELL of Bowie,
HOLSEY,
BRYAN,
MEACHUM,
HUDSPETH,
WATSON,
MAYFIELD.

The resolution was read, and adopted by a rising vote.

In accordance with the above, Mr. Connally addressed the Senate.

SIMPLE RESOLUTION.

By Senator Senter:

Whereas, The Christian Endeavorers of the city of Dallas, and other citizens of that city, are making a vigorous effort to secure the next convention of the International Society of Christian Endeavorers, to be held in 1911, to meet in the city of Dallas; therefore, be it

Resolved. That the Senate of the Thirty-first Legislature cordially join in the invitation to that organization to hold its next session in the city of Dallas.

The above resolution was read and adopted.

HOUSE BILL NO. 72.

Senator Masterson moved that the regular order of business (Senate bill No. 40) be suspended, and the Senate take up, out of its order, House bill No. 72.

Pending discussion on the above motion, Senator Meachum moved the previous question on same, which motion being duly seconded, was so ordered.

The motion to take up House bill No. 72 was lost by the following vote:

Yeas—10.

Brachfield.
Cofer.
Greer.
Hayter.
Holsey.

Masterson.
Mayfield.
Stokes.
Terrell of Bowie.
Ward.

Nays—16.

Adams.
Bryan.
Harper.
Hudspeth.
Hume.
Kellie.
Meachum.
Murray.

Paulus.
Peeler.
Real.
Senter.
Terrell of McLennan.
Watson.
Weinert.
Willacy.

Absent.

Alexander.
Perkins.
Sturgeon.

Thomas.
Veale.

REFUSE TO RECEIVE COMMITTEE REPORT.

Senator Stokes here asked unanimous consent to offer a floor report on House bill No. 55.

Pending the reading the report, Senator Watson objected to the receiving of the report.

A point of order was made by Senator Terrell of Bowie that the report had been already received, but the Chair overruled the point of order.

SENATE BILL NO. 40.

The Chair laid before the Senate, on second reading,

Senate bill No. 40, A bill to be entitled "An Act providing for the examination of banking corporations created by the acts of the Legislature of this State, or under general law prior to the adoption of the Constitution of this State in 1876, and requiring such banking corporations to make and publish reports of their condition and providing penalties for violation of this act, and declaring an emergency."

There was an adverse majority committee report and a favorable minority committee report.

Senator Watson moved that further action on the bill be postponed until the 19th of June, 1909.

Senator Terrell of Bowie moved to table the motion by Senator Watson, which motion to table was adopted by the following vote:

Yeas—12.

Adams.	Holsey.
Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Ward.

Nays—11.

Hudspeth.	Peeler.
Hume.	Real.
Kellie.	Senter.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Alexander.	Terrell of McLennan.
Brachfield.	Thomas.
Perkins.	Veale.
Sturgeon.	Willacy.

Action occurred on the committee reports on the bill.

Senator Mayfield moved the previous question on the engrossment of the bill, which motion being duly seconded, was so ordered.

Senator Holsey moved to reconsider the vote by which the previous question was adopted.

The motion to reconsider was adopted.

Senator Holsey then moved to adopt the minority committee report (which was a favorable report).

The motion was lost by the following vote:

Yeas—11.

Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Ward.
Holsey.	

Nays—14.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Terrell of McLennan.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Alexander.	Sturgeon.
Brachfield.	Thomas.
Perkins.	Veale.

(Lieutenant Governor Davidson in the chair.)

RECESS.

Senator Kellie moved that the Senate recess until 2 o'clock today, which motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

The Senate was at ease subject to the call of the Chair.

At 3:35 o'clock the Senate was again called to order by Lieutenant Governor Davidson.

FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.

By Senator Alexander:

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two houses on Senate amendments to House substitute to

Senate bill No. 4, A bill to be entitled "An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund, and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors, and providing that all banking corporations created under Chapter 10, Acts of the First Called Session of the Twenty-ninth Legislature, shall avail their depositors of protection provided for by this act, either by the depositors' guaranty fund or by bond at their option; providing that all National banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this act; providing that banks incorporated by special act of the Legislature of the State of Texas may, voluntarily, on certain conditions protect their depositors under this act; providing that private banks may, voluntarily, avail their depositors of the protection by bond provided by this act; amending Sections 39 and 44, Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors,

and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violations of this act, and declaring an emergency."

Beg leave to report that we have had the same under consideration, and have adjusted the differences between the two houses, and make the following recommendations:

1. That the House accept the Senate amendments to the House substitute to Senate bill No. 4, with the following amendments thereto, which we recommend be accepted by both houses:

Amend the caption, line 18, by inserting after the figure "39" the figures "50, 56."

Amend Section 1, line 31, page 1, by inserting the word "heretofore" after the word "State."

Amend Section 3, line 23, page 2, by striking out the word "Decemler" and inserting the word "October."

Amend Section 4, line 32, page 2, by striking out the words "non-interest bearing," and in line 33 insert the words and figures "ending November 1, 1909," after the word "year" and by striking out of line 34 the words "nor deposits of other banks and trust companies."

Amend Section 4, page 3, line 2, by inserting after the word "provisions" the words "of the guaranty fund plan," and in line 4, by inserting after the word "deposits" "for the year ending November 1 of the preceding year," and in line 12 by inserting after the word "dollars" the words "or below the amount of the guaranty funds on January 1 preceding," and by inserting after the word "named," in line 17, the words "or to its amount as of January 1 preceding."

Amend Section 5 by striking out all after the figure "5" in line 22, and inserting the following: "Twenty-five per cent of each payment required of each such bank or banking and trust company shall be paid to said board in cash and shall be by it deposited for safe keeping only with the State Treasurer as bailee for the State Banking Board, and shall be paid out by the State Treasurer on warrants drawn by the order of said board, and said fund shall never be diverted from the purpose specified in this act, nor shall it ever be considered State funds. The remaining 75 per cent of each payment required shall be paid by each such bank or banking and trust company crediting the State Banking Board with such

amount as a demand deposit subject to check upon the order of said board.

"It shall be the duty of said board to keep at all times 25 per cent of the amount of said fund deposited with the State Treasurer in cash as provided herein."

Amend Section 6, line 34, page 3, by inserting after the word "law" the words "or hereafter organized."

Amend Section 6, page 4, line 3, by inserting after the words "capital stock" the words "and surplus."

Amend Section 9, line 34, page 5, by inserting after the word "fund" the words "or any party at interest."

Amend Section 10, line 3, page 13, by inserting after the words "subject to" the words "the depositors' guaranty fund plan of," and line 6 by striking out the word "and" after the word "company," and line 10 by inserting after the word "paid" the words "or contracted to be paid directly or indirectly."

Amend Section 11, line 9, page 14, by inserting after the words "trust company" the following: "In the event of the closing, as provided by law, of any such State bank or trust company operating under the depositors' guaranty fund plan, which lien shall attach and be in force from the time such bank or trust company is legally closed, upon all the property and assets then in possession of such bank or trust company." And in line 11, after the word "deposits" insert the words "or debts."

Amend Section 14, lines 15 and 16, page 15, by striking out the words "and which desire to continue to do so within ninety days from the time this act shall take effect."

Amend Section 14, line 8, page 17, by inserting after the word "shall" the following: "Have an exclusive prior lien upon all the assets, including cash, of such savings department, and which shall," and line 29, same page, by striking out the word "sufficient" and inserting the word "insufficient."

Amend Section 16, page 20, line 5, by striking out the word "section" and inserting "act as to the depositors' guaranty fund plan or the bond security system on filing its charter."

Amend Section 17, line 12, page 20, by striking out the figures "16" and inserting the figure "1."

Amend Section 17, line 15, page 20, by inserting after the words "provisions of" the words "the bond security system of," and line 28, same page, by striking out the word "act" and inserting the word "section."

Amend Section 17, line 9, page 21,

by striking out the figure "1" and inserting "16."

Amend Section 20, line 24, page 24, by striking out the word "he" after the word "bond."

Amend Section 21, line 11, page 25, by inserting after the word "depositors" the words "having funds deposited with." And same page, line 19, by striking out the word "thereof" and inserting the word "hereof."

Amend same page, line 21, by striking out the word "and" in the same line and inserting the word "any."

Amend Section 24, line 23, page 26, by inserting the word "general" before the word "laws," and in line 26, same page, by inserting after the word "herewith" the words "or avail itself of the depositors' guaranty fund plan as provided in this act."

Amend Section 25, page 27, by adding at the end of the section the words "and all authority conferred by the provisions of this act."

Amend Section 27, line 26, after the word "corporation," by inserting the words "heretofore or hereafter incorporated under the general laws of the State of Texas."

Amend Section 28, line 29, page 29, by striking out the word "December" and inserting the word "November."

Amend Section 28, page 30, by adding at the end of the section the following: "Provided, that any State bank which purchases the assets of any other bank shall before the purchase of the assets of such other bank, increase its capital to such an amount that the same will have the ratio to the total deposits of the bank the assets of which it has purchased, as defined and required in this section."

Amend Section 35, line 27, page 33, by inserting after the word "bank" the words "or banking and trust company incorporated under the laws of Texas."

Amend Section 36, line 10, page 34, by inserting after the word "bank" the words "or banking and trust company incorporated under the laws of this State."

Amend Section 37, line 33, page 34, by striking out the word "omit" and inserting the words "fails or refuses"; and line 34, same page, by inserting after the word "law" the words "or who shall do or perform or assist in doing or performing any act or transaction prohibited by the provisions of this act for the punishment of which provision is not otherwise herein made."

Amend Section 38, line 5, page 35, by striking out the word "or" after the

word "banking" and inserting the word "nor"; and line 6, same page, strike out the word "or" and insert the word "nor"; and line 11, same page, strike out the word "in" and insert the word "to."

Amend Section 39, line 22, page 35, by inserting after the word "bank" the words "or banking and trust company incorporated under the laws of Texas"; and line 24, same section, by inserting after the word "bank" the words "or banking and trust company."

Amend Section 41, page 36, line 17, by inserting after the word "banks" the words "or banking and trust companies incorporated under the laws of Texas, not in conflict herewith."

Amend Section 42 by inserting after the word "or," in line 19, the words "banking and"; and line 21, strike out the words "the State," and line 22, strike out the word "department," and lines 23 and 24, strike out the words "upon conviction" and all of line 24, and insert "render such corporation liable to a penalty of not less than \$100 nor more than \$1000, to be recovered for the benefit of the State."

Amend Section 9, line 14, page 8, by inserting after the word "claims" the words "the Commissioner shall make a full and complete list of the claims."

Amend Section 18, lines 6 to 12, page 22, by striking out the following words: "In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond," and insert said words at the bottom of Section 16 of the bill, and after the same insert the following words: "The bond or other form of guaranty provided for in this act may be made by any person, firm or corporation authorized to execute the same and any and all corporations incorporated under the provisions of Sections 8 and 9 of Chapter 10 of the First Called Session of the Twenty-ninth Legislature or any act amendatory thereof, shall be, and they are hereby authorized and empowered to execute such bonds or guaranties, either singly or collectively, subject to approval as herein provided for: provided, that any such corporation which is at the time operating under the guarantee fund system provided for by this act shall not be accepted as a surety on any such bond."

Amend Section 17, line 8, page 21, by striking therefrom the words "and the Commissioner of Insurance and Banking" just preceding the words "and filed."

Add at the end of said Section 17, line 9, page 21, the following words: "Upon the filing of such bond or other form of guaranty it shall be the duty of the Commissioner to furnish a certificate of such fact."

Amend Section 20, line 29, page 24, by inserting after the word "same" the word "and."

Amend Section 26, line 7, page 28, by inserting after the word "transacted" the following:

"It shall be the duty of the Commissioner of Insurance and Banking to issue to each State bank which the State Banking Board shall have approved and certified to him as provided in this act as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business. Such certificate of authority when issued to guaranty fund banks shall contain the following statement on the face thereof in bold type: 'The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund.' And when issued to bond security banks shall contain the following statement on the face thereof in bold type: 'All deposits of this bank are protected by security bond under the laws of the State of Texas.' And when issued to the State banks other than guaranty fund banks and bond security banks, it shall contain neither of these, nor any similar statement. The Commissioner of Insurance and Banking shall close all State banks which the State Banking Board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation; provided, that hereafter the Secretary of State shall on issuance of any charter to any bank or banking and trust company, deliver the same to the Commissioner of Insurance and Banking who shall deliver such charter to such corporation together with the certificate herein provided for upon such corporation showing to the satisfaction of the State Banking Board that it has complied with the State banking laws."

Amend by striking out Section 13 and by striking out Section 32 and inserting as follows for Section 32:

Section —. All guaranty fund banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish by any form of advertising which they may adopt, or upon their stationery the following words: "The non-interest-bearing and unsecured deposits of this bank are protected by the depositors' guaranty fund of the State of Texas." All bond guaranty banks provided for in this act are hereby authorized and empowered, if they desire so to do, to publish by any form of advertising which they may adopt, or upon their stationery, the following words: "The deposits of this bank are protected by guaranty bond under the laws of this State." Said banks are authorized to use the terms "Guaranty Fund Bank" or "Guaranty Bond Bank," as the case may be, but they are hereby prohibited from describing said forms of guaranty by any other terms or words than herein named. Any guaranty fund bank or bond security bank or any officer, director, stockholder or other person for any such bank who shall write, print, publish or advertise in any manner or by any means or permit any one for them, or for said bank, to write, print, publish or advertise any statement that the deposits of any such bank are secured otherwise than as permitted in this section, or who shall make or publish any advertisement or statement to the effect that the State of Texas guarantees or secures the deposits in any such bank or banking and trust company shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100 nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment. Any person who shall write, print, publish or advertise the above statement authorized to be used by bond security banks or guaranty fund banks other than as herein authorized shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment.

Amend the bill by adding the following sections before Section 35, and properly renumbering all sections:

Section —. Section 56 of Chapter 10 of the General Laws of the First Called

Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Section 58. The directors of any bank or trust company organized under this act may appoint and remove any officer or other employe at pleasure. The officer or employe shall have no power to endorse, sell, pledge or hypothecate any note, bond or other obligation received by such corporation for money loaned until such power and authority shall have been given such officer or employe by the board of directors in a regular meeting of the board, a written record of which proceedings shall have first been made upon the minutes of the corporation; and all acts of endorsing, selling, pledging or hypothecating done by said cashier or other officer or employe of any such bank or trust company without the authority of the board of directors given as herein provided, shall be null and void."

Sec. —. Every officer of every State bank, upon whom the powers of a cashier or treasurer may be imposed by the board of directors, shall, before entering or being permitted to enter upon the exercise of such powers, or the duties of his office, give a good and sufficient bond in such sum and with such surety or sureties as the board of directors may approve, and in such form as may be prescribed by the Commissioner of Insurance and Banking, conditioned to pay the bank such pecuniary loss as the bank may sustain of money or other valuable securities embezzled, wrongly abstracted or wilfully misapplied by said officer in the course of his employment as such and in the course of his employment in any other position in the bank to which he may be appointed, re-appointed, elected, re-elected or temporarily assigned. Such bond shall be approved by the board of directors in writing on the minutes of the corporation, and no member of the board of directors or officers of such State bank shall become surety thereon, and the same shall be deposited in some safe place, inaccessible to the maker thereof or the sureties thereupon, to be prescribed by the board of directors and shown upon the minutes of the corporation.

Sec. —. No State bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased

or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or, in default thereof, such State bank shall be considered to have its capital stock impaired to the extent of the par value of such shares.

Sec. —. It shall be unlawful for any such bank to hypothecate or pledge as collateral security for money borrowed upon bills payable or certificates of deposit, or otherwise, its securities to an amount more than 50 per cent greater than the amount borrowed thereon, or for any State bank to issue or execute any bills or other evidence of indebtedness secured or to be secured, by the pledge or hypothecation of any of its securities which shall not contain a provision that in the event such State bank shall, for any cause, have its property and business taken possession of by the Commissioner, at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after the date of such taking possession shall be allowed in which such bank or Commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness.

Sec. —. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as hereafter to read as follows:

"Section 50. No bank and no bank or trust company or any member of either, shall, during the time it shall continue in banking or banking and trust operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise any portion of its capital. If losses have at any time been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by a bank or banking and trust company while it continues its banking and trust operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any State bank on which interest is past due and unpaid for a period of six months, unless the same are well secured or in process of collection, shall be considered bad debts within the meaning of this section.

"The board of directors of any bank or trust company organized under this act may declare a semi-annual or quarterly dividend, if such dividend has been earned, provided the corporation be fully

solvent, without such earnings proposed to be divided. But they shall not declare a dividend at any time when the capital of such corporation shall have become impaired to such an extent that it is not worth in good resources the full amount paid in after the payment of all liabilities, and pay any officer or director of such corporation who shall assent to declaring and paying dividends where the capital stock is so impaired, shall be personally liable to the creditors of the corporation to the amount of his proportion of the proposed dividend, if any loss occur by reason of the payment of such dividend."

Sec. —. The State Banking Board shall have the power from time to time to make such changes in the form of the statements required of each banking corporation as it may deem advisable, and to require any additional statements which it may deem necessary as to average daily deposits, capital stock, surplus, character of deposits and such other matters as it may deem necessary to the enforcement of this act.

Sec. —. Should the courts declare any section of this act unconstitutional or unauthorized by law or in conflict with any other section or provision of this act, then such decision shall affect only the section or provision so declared to be unconstitutional and shall not affect any other section or part of this act.

Respectfully submitted,
ALEXANDER,
TERRELL of McLennan,
SENER,
HUDSPETH,
HUME,

On the part of the Senate.

TRECKMAN,
CURETON,
RAYBURN,
MOBLEY,
BAKER of Hood,

On the part of the House.

Pending the reading of the above report, on motion of Senator Harper, the same was dispensed with.

The report was then adopted.

CALL OF THE SENATE.

There being no quorum present, Senator Senter moved a call of the Senate for the purpose of securing and maintaining a quorum.

The motion was seconded.

The roll was called, a quorum being present, the following answering to their names:

Alexander.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Meachum.	

Absent.

Adams.	Sturgeon.
Brachfield.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Veale.
Stokes.	Weinert.

HOUSE BILL NO. 55.

Senator Hayter called up House bill No. 55.

Senator Hayter moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

Pending discussion on the motion, Senator Kellie moved the previous question on the motion, which motion being duly seconded, was so ordered.

The motion to suspend the constitutional rule was lost by the following vote:

Yeas—12.

Brachfield.	Mayfield.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Ward.
Holsey.	Willacy.

Nays—13.

Adams.	Murray.
Harper.	Paulus.
Hudspeth.	Peeler.
Hume.	Perkins.
Kellie.	Real.
Masterson.	Senter.
Meachum.	

Absent.

Alexander.	Veale.
Sturgeon.	Watson.
Thomas.	Weinert.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the
Senate, and Hon. John Marshall,
Speaker of the House of Representa-
tives.

Sirs: Your Free Conference Commit-
tee, to whom was referred House bill
No. 18, with Senate amendments there-
to, have had the same under considera-
tion at a session of said committee, and
beg to report the same back to the
Senate and the House with the recom-
mendation that it do not pass, but that
the accompanying Free Conference Com-
mittee substitute for House bill No. 18
do pass in lieu thereof.

WILLACY,
PEELER,
HARPER,
TERRELL of Bowie,
WEINERT,

On the part of the Senate.
CROCKETT of Washington,
COX,
STAMPS,
ROBERSON of Erath.
GILMORE,

On the part of the House.

The report was read and adopted by
the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Sturgeon.	Veale.
Terrell of McLennan.	Weinert.
Thomas.	

Following is the Free Conference Com-
mittee report as adopted:

APPROPRIATION FOR THE SUP- PORT OF THE STATE GOV- ERNMENT.

Free Conference Committee Substitute
for House bill No. 18.

A BILL

To Be Entitled

An Act making appropriations for the
support of the State Government for

two years, beginning September 1,
1909, and ending August 31, 1911, and
for other purposes, prescribing certain
regulations and restrictions in respect
thereto; to make additional appropri-
ations for the support of the State
Government for the years ending
August 31, 1909, and to pay various
miscellaneous claims against the
State, and authorizing the payment
of said miscellaneous items upon the
taking effect of this act, and declaring
an emergency.

Be it enacted by the Legislature of the
State of Texas:

Section 1. That the following sums
of money, or so much thereof as may be
necessary, be and the same are hereby
appropriated out of any money in the
State Treasury not otherwise appropri-
ated for the support of the State Gov-
ernment from September 1, 1909, to
August 31, 1911, and for other pur-
poses, and for additional amounts to
support the State Government for the
year ending August 31, 1909, and to pay
various miscellaneous claims against the
State as hereinafter enumerated; pro-
vided, that each and every employe of
each and every institution or depart-
ment of this State shall be paid by
voucher issued in his or her name; said
voucher shall state the amount of salary
or sum due, and for what service per-
formed, with the date and time of said
service, and no money or moneys shall
be paid except upon presentation of said
voucher or vouchers endorsed by the
payee; provided further, that all of said
vouchers upon which any money or
moneys have been paid shall be filed
with the Comptroller for the inspection
of the Governor and the Legislature, or
by their authority; and provided fur-
ther, that correct accounts shall be kept
for all sums paid, or obligations out-
standing against each item of appropria-
tion herein and weekly statements of
the balances to the credit of each ac-
count, after all payments made and ob-
ligations outstanding have been deduct-
ed, shall be forwarded to the State
Comptroller, and it shall be unlawful
for the State Purchasing Agent or the
authority in charge of any institution or
department of this State to purchase
or issue orders for any supplies or to
otherwise pledge the credit of this State
beyond the amounts herein appropriated
or otherwise lawfully authorized.

EXECUTIVE OFFICE.

Salary of Governor.....	\$4,000	\$4,000
Salary of private secre-		
tary	2,000	2,000

Salary of stenographer..	1,200	1,200
Salary of porter.....	480	480
Payment of rewards and other expenses necessary for the enforcement of the law.....	7,500	7,500
Payment of rewards and other expenses necessary for the enforcement of the law heretofore authorized, to be expended under the direction of the Governor	1,000	
Books and stationery...	300	300
Freight, postage and telegraphing	500	500
Ice	36	36
Office fixtures.....	100	100
Contingent expenses....	100	100
To pay Lieutenant Governor for acting as Governor, to be expended in two years.	250	
Salaries of Board of Pardon Advisors	4,000	4,000
Contingent expenses of Board of Pardon Advisors	100	100
Expenses of Board of Pardon Advisors in visiting penitentiaries, reformatory and camp	300	300
Total	\$21,866	\$20,616

Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the Executive Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor any obligations incurred in excess of the amounts herein appropriated.

MANSION AND GROUNDS.

For Governor's Mansion and furniture, including repairs of mansion and improvements to grounds surrounding Mansion and repairs of walks around Mansion grounds, and necessary labor for care of same, to be expended in two years.....	\$2,000	
Labor and employees at mansion	800	\$800
Fuel and lights.....	350	350

Water and ice.....	200	200
Contingent expenses....	100	100
Total	\$3,150	\$1,450

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Mansion and grounds during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF STATE.

Salary of Secretary of State	\$2,000	\$2,000
Salary of chief clerk....	1,700	1,700
Salaries of three assistant clerks at \$1200 each	3,600	3,600
Salaries of two second assistant clerks at \$1100 each	2,200	2,200
Salary of extra clerk to copy laws	300	
Salaries of emergency clerks, not to exceed \$100 per month each..	1,200	1,200
Salary of porter.....	480	480
Freight, postage, express, telegraphing and telephoning	2,400	2,400
Books and stationery...	600	600
Furniture, files and typewriter	300	300
Contingent expenses....	100	100
Total	\$14,880	\$14,540

Provided, that the head of the said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department. Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of State during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

STATE REVENUE AGENT.

Salary of State Revenue Agent	\$2,000	\$2,000
Traveling and other expenses	1,000	1,000
Salary of office assistant and clerk	1,000	1,000
Stationery, stamps and telegraphing	175	175
Office furniture	100	
Total	\$4,275	\$4,175

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Revenue Agent during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

PUBLIC BUILDINGS AND GROUNDS.

Salary of superintendent	\$1,500	\$1,500
Salary of superintendent for looking after State's property outside of Austin	300	300
Salary of bookkeeper	900	900
Salary of engineer and electrician	1,200	1,200
Salary of assistant engineer and electrician	900	900
Salaries of six watchmen at \$60 per month	4,320	4,320
Salary of one carpenter	900	900
Salaries of two firemen, \$600 each	1,200	1,200
Salary of one elevator man	720	720
Salary of one plasterer	800	800
Salaries of six cleaners, \$480 each	2,880	2,880
Salary of one driver	480	480
Salary of W. P. Zuber, guide in charge of paintings	480	480
To purchase linoleum or carpets in the several departments of the State Capitol building and for cleaning and renovating carpets in said departments, to be expended in two years	2,000	
Labor and material on Capitol grounds, keeping cemetery and for headstones for Confed-		

erate and Texas Veterans in State cemetery	6,400	6,400
Water, light, fuel, contingencies, and to purchase machinery	12,000	12,000
Oil and waste for engines, dynamos, steam pumps, drawing paper and stationery	400	400
Feed for teams	175	175
Tools	200	200
Pipes and fittings	500	500
Repairing and painting Capitol building and furniture in House and Senate	3,000	3,000
For repairing furniture, curtains, etc., and renovating and refurbishing the Governor's reception rooms as the Superintendent of Public Buildings and Grounds may determine	500	
For the improvement, maintenance and care of the San Jacinto battlefield	15,000	15,000

In addition thereto the unexpended balance appropriated for this purpose by the Thirtieth Legislature; and from said appropriation shall be paid for traveling and other expenses of the Superintendent of Public Buildings and Grounds while in the performance of the duties imposed upon him by Chapter 48, Acts of the Thirtieth Legislature, Regular Session; and all drafts upon this appropriation made out in accordance with the provisions of said act shall be paid by the State Treasurer out of the appropriation hereby revived and extended.

For bitulithic paving of the driveways within the State Capitol grounds, commencing at the south gates of such grounds and running to the terrace of the south Capitol walk of the State Capitol building or as near thereto as possible, ag-

gregating 4412 square yards at not exceeding \$2.25 per square yard, or so much thereof as may be necessary, and to be used within the next two years..... 9,927

Provided, the Superintendent of Public Buildings and Grounds may use any other material equally as good and lasting as bitulithic paving.

Total\$53,182 \$40,755

Provided, that the head of this Department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the Superintendent shall keep an itemized account of the expenses of the Department and incorporate the same in his annual report. Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for public buildings and grounds during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF BANKING AND INSURANCE.

Salary of Commissioner.....	\$2,000	\$2,000
Salary of Commissioner as ex-officio Superintendent of Banking....	500	500
Salary of Commissioner of Insurance and Banking as member of State Fire Rating Board	500	500
Salary of chief clerk....	1,700	1,700
For salaries of two members of State Fire Rating Board, to be appointed by the Governor, \$2500 each.....	5,000	5,000
Salary of actuary.....	2,000	2,000
Salary of bank clerk....	1,350	1,350
Salaries of two assistant bank clerks	2,400	2,400

Salary of stenographer..	1,200	1,200
Salary of certificate clerk	1,200	1,200
Salary of bookkeeper and general clerk	1,200	1,200
Salary of statistical clerk	1,200	1,200
Salary of stenographer for bank department..	900	900
Salary of porter.....	480	480
Expenses of Commissioner in enforcing insurance laws	1,500	1,500
Postage, stationery, telegraph and express....	1,500	1,500
Rent of telephone.....	60	60
Binding annual statement of insurance companies	50	50
Publishing insurance laws, to be expended in two years	500	
Contingent expenses....	100	100
Office furniture, including shelving and typewriters, to be expended in two years.....	1,000	
For compensation of necessary clerical and other assistants and necessary traveling or other expenses of the State Fire Rating Board in carrying out the provisions of the act creating it.....	4,500	4,500
For the payment of the salaries of State bank examiners and the traveling expenses of such examiners and of the Commissioner of Banking and Insurance in connection with banking matters, the proceeds of all fees for examinations of banking corporations collected under the law, or so much thereof as may be necessary; provided the Commissioner of Banking and Insurance is authorized upon the passage of this act to appoint the necessary bank examiners not to exceed one for each forty banks organized under the laws of this State.		

Total\$30,840 \$29,340

Provided, that the head of said Department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vaca-

tion or leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said Department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Banking and Insurance during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

TEXAS LIBRARY AND HISTORICAL COMMISSION.

Salary of Librarian.....	\$625.00	
Salary of assistant librarian...	500.00	
Salary of porter.....	150.00	
Shelving for State Library....	402.00	
Books for State Library.....	316.20	
Gathering historical data.....	308.55	
Subscriptions to newspapers and periodicals	50.00	
Binding and repair.....	100.00	
Stationery, library, supplies, postage, express and freight	100.00	
Traveling expenses	50.00	
Collecting and disseminating information about public libraries	50.00	
Telephone rent	20.00	
Contingent expenses	50.00	
Total	\$2,721.75	

Provided, that the appropriations made by the Thirtieth Legislature under the Department of Banking and Insurance for the maintenance of the State Library not heretofore expended shall not be available for any purpose, but shall revert back to the State Treasury, and the above amounts shall become immediately available upon the passage of this act.

TEXAS LIBRARY AND HISTORICAL COMMISSION.

Salary of Librarian....	\$1,500	\$1,500
Salary of assistant librarian and cataloguer...	1,200	1,200
Salary of porter.....	480	480
Books for State Library	500	500
Gathering historical data	500	500
Subscriptions to newspapers and periodicals..	250	250
Binding and repair.....	400	400
Stationery, library supplies, postage and freight	250	250

Traveling expenses	100	100
Collecting and disseminating information about public libraries.	50	50
Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs; tables and chairs for reading room; office furniture; filing cabinets for legislative reference section; card catalogue cases; grating over windows in manuscript room; cases for Texas, Mexican and Confederate flags, the appropriation to be expended in two years.....	3,000	
Telephone rent	48	48
Contingent expenses, including typewriter ...	200	200
Total	\$8,328	\$5,378

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas Library and Historical Commission for the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

STATE TAX BOARD.

Salary of Tax Commissioner	\$2,500	\$2,500
Salary of bookkeeper, accountant and stenographer	1,200	1,200
Postage, express, telegraph and telephone..	125	125
Contingent expenses ...	100	100
Books and stationery...	125	125
Purchase of typewriter..	100	
Purchase of office furniture	100	
Total	\$4,250	\$4,050

Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness vacation or leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein ap-

appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Tax Board during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

STATE PURCHASING AGENT.

Salary of State Purchasing Agent	\$2,000	\$2,000
Salary of chief clerk...	1,200	1,200
Salary of assistant clerk	900	900
Salary of porter.....	300	300
Contingent expenses ...	500	500
Total	\$4,900	\$4,900

Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said Department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Purchasing Agent during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

Further provided, that the State Purchasing Agent shall advise the financial agent of the State penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State penitentiary, of the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice of any public advertisement, calling for bids by registered mail, to the financial agent of the penitentiary at Huntsville.

PUBLIC PRINTING.

First, second and third class printing and binding, and for printing papers of first, second and third class public printing	\$25,000	\$25,000
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Printing and binding Texas Reports, Texas Civil Appeals Reports and Texas Criminal Reports	4,500	4,500
Salary of expert printer and secretary of printing board	1,500	1,500
Salary of one assistant and bookkeeper	1,000	1,000
For advertising State business	500	500
Telephone rent, postage, stationery and files..	150	150
Total	\$32,650	\$32,650

Provided, that all stationery for the various departments and institutions shall be ordered through the State Expert Printer.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for public printing during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

BUREAU OF LABOR STATISTICS.

Salary of Commissioner..	\$2,000	\$2,000
Salary of clerk.....	1,200	1,200
Postage and stationery..	100	150
Office furniture	150	100
Traveling expenses	500	500
Total	\$3,900	\$3,900

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Bureau of Labor Statistics during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

ADJUTANT GENERAL'S DEPARTMENT.

Salary of Adjutant General	\$2,000	\$2,000
Salary of Assistant Adjutant General, who shall be chief clerk...	1,200	1,200
Salary of Assistant Ad-		

Adjutant General for ex-officio duties in assisting surviving State troops or rangers, or their surviving wives, who served during the period from February 28, 1855, to December 31, 1860, on the frontier of Texas against the Indian depredations and Mexican marauders, in making title to pensions under the Act of Congress, approved May 30, 1908.....	300	300	Rent and maintenance of armories and purchase of armory equipment..	10,000	10,000
Salary of Quartermaster General	1,500	1,500	Total	\$69,455	\$49,380
Salary of assistant clerk and stenographer	1,000	1,000	Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.		
Salary of porter, messenger and armorer.....	480	480	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Adjutant General's Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.		
Stationery, postage, telegraphing and telephoning	600	600	TEXAS STATE BOARD OF HEALTH.		
Ranger force in the suppression of lawlessness and crime	25,000	25,000	Salary of president.....	\$2,500	\$2,500
Payment of transportation and subsistence for the Texas National Guard when called into actual service under the law, and for such other military expenses incident thereto	5,000	5,000	Salary of Board and mileage or so much thereof as may be necessary..	3,200	3,200
For labor in arsenal and storeroom, repair of arms and equipment, laundry and repair of uniforms in storeroom, transportation of military stores and supplies, transportation and expenses of officers serving on military courts and boards, and transportation and expenses of witnesses appearing before military courts and boards	2,500	2,500	Salary of Assistant Health Officer	2,400	2,400
Payment of transportation and subsistence of the Texas National Guard for camps of instruction at Camp Mabry, and all other military expenses, to be used in two years..	20,000		Salary of Registrar of Vital Statistics	1,800	1,800
Office files	100	100	Salary of chemist.....	1,800	1,800
Purchase of one typewriter	75		Salary of stenographer and bookkeeper	1,200	1,200
			Salary of filing and index clerk and general clerk	600	600
			Salary of quarantine officer at Galveston, \$200 per month	2,400	2,400
			Salary of assistant quarantine officer at Galveston	1,500	1,500
			Salary of engineer on launch at Galveston, \$75 per month.....	900	900
			Salary of disinfecter at Galveston, \$60 per month	720	720
			Salaries of two assistant disinfectors at Galveston, seven months, in each year, \$420 each..	840	840
			Salary of captain on disinfecting vessel at Galveston, \$100 per month	1,200	1,200
			Salary of engineer on disinfecting vessel at Galveston, \$100 per month	1,200	1,200

Salaries of two deck hands on disinfecting vessel at Galveston, \$720 each	1,440	1,440	tually engaged in service	300	300
Salary of quarantine officer at Sabine Pass, when actually engaged in service, at \$150 per month	1,800	1,800	Salary of quarantine officer at Pass Cavalla, for six months, at \$150 per month, when actually engaged in service	900	900
Salary of one disinfecter at Sabine Pass at \$60 per month	720	720	Salary of boatman at Pass Cavalla, when actually engaged in service, at \$50 per month for twelve months....	600	600
Salary of one boatman at Sabine Pass at \$50 per month	600	600	Salary of quarantine inspector at El Paso, while engaged in actual services for State, at \$150 per month.....	1,800	1,800
Salary of engineer at disinfecting plant at Sabine Station, at \$75 per month	900	900	Salary of quarantine inspector at Eagle Pass when actually engaged in service, at \$150 per month	1,800	1,800
Salary of quarantine inspector at Brownsville, when actually engaged in service, at \$150 per month	1,800	1,800	Salary of quarantine inspector at Laredo when actually engaged in service, at \$150 per month	1,800	1,800
Salaries of two boatmen at Brownsville, when actually engaged in service, at \$50 per month for six months.	600	600	Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Cavalla, Brownsville, Laredo, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State property, for each year	12,000	12,000
Salary of one mounted guard at the mouth of the Rio Grande, for seven months, at \$75 per month	525	525	Miscellaneous	2,000	2,000
Salary of quarantine officer at Aransas Pass, when actually engaged in service, at \$150 per month for twelve months	1,800	1,800	Total	\$58,495	\$56,495
Salary of boatman at Aransas Pass when actually engaged in service, at \$50 per month.	600	600	Provided, the State Board of Health is hereby authorized to use not to exceed \$30,000 of the funds collected as fees at Galveston Quarantine Station, now to the credit of the quarantine fee fund, for the purpose of erecting and equipping a hospital for the isolation of contagious and infectious diseases, such hospital to be located on State property at Galveston.		
For erecting house at Aransas Pass for quarantine officer	2,000		Provided, that the President of said board may abolish such positions as are herein set forth if, in his judgment, the same are not necessary for the pro-		
Salary of quarantine guard at Corpus Christi, to be under the supervision of the quarantine officer at Aransas Pass, said guard to furnish his own boat and supplies, at a salary of \$75 per month for six months.....	450	450			
Salary of quarantine officer at Velasco, for twelve months, at \$150 per month, when actually engaged in service	1,800	1,800			
Salary of boatman at Velasco, for six months, at \$50 month, when ac-					

tection of the public health, or he may require the quarantine officers to perform such other work in his department as he may think best for the interest of the public health.

Provided, that the President of said board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended, and said itemized report shall, after approval, be filed with the Comptroller for public inspection.

Provided, that the head of said Department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas State Board of Health during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

FISH AND OYSTER COMMISSION.

Salary of Commissioner..	\$1,800	\$1,800
Office rent, traveling expenses and other expenses of Commissioner	600	600
Stationery	50	50
To establish and maintain a fish hatchery, provided same be paid out of the revenues of this department, to be expended in two years, \$5000.		
To pay balance on boat purchased by the Commissioner, to be paid out of the revenues of the department, \$200.		
Total	\$2,450	\$2,450

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Fish and Oyster Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further,

that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

LIVE STOCK SANITARY COMMISSION.

To pay per diem and expenses of three commissioners	\$2,000	\$2,000
To pay inspectors at \$75 per month while in actual service	10,500	10,500
To pay one veterinary surgeon	1,200	1,200
Salary of bookkeeper and stenographer	900	900
To pay rent, stationery and other expenses....	400	400
Total	\$15,000	\$15,000

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Live Stock Sanitary Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

STATE MINING BOARD.

Per diem, or so much thereof as may be necessary	\$1,050	\$1,050
Traveling expenses for board	250	250
Salary of State Mine Inspector	2,000	2,000
Traveling expenses for Inspector	500	500
Total	\$3,800	\$3,800

Provided, that the amounts herein appropriated for the items as stated herein, and no more, shall be paid out of the general revenue for the State Mining Board during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

PURE FOOD COMMISSION.

Salary of Commissioner..	\$2,000	\$2,000
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Salary of deputy commissioner	1,200	1,200
Salary of stenographer..	600	600
Salary of one inspector..	1,200	1,200
Office and laboratory supplies	600	300
Stamps and stationery..	250	250
Cost of samples.....	500	500
Traveling and other expenses	1,800	1,800
Total	\$8,150	\$7,850

Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Pure Food Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

ATTORNEY GENERAL'S DEPARTMENT.

Salary of Attorney General	\$2,000	\$2,000
And the further sum each year, or so much thereof as may be necessary to pay such fees as may be prescribed by law	2,000	2,000
Salary of first assistant	2,500	2,500
Salary of second assistant	2,000	2,000
Salary of third assistant	2,000	2,000
Salary of fourth assistant, who shall assist the Attorney General in enforcing anti-trust laws	2,500	2,500
Salary of fifth assistant	2,000	2,000
Salary of stenographic clerk	1,200	1,200
Salary of recording clerk and bookkeeper, who shall also discharge the duties of stenographic clerk	1,300	1,300
Stationery, postage, telegraphing, telephoning, express and furniture	1,000	1,000
Law books and periodicals	500	500

Salary of porter.....	480	480
Furniture, typewriters and fittings, to be expended in two years..	500	
Actual traveling expenses incurred by Attorney General or any of his assistants in giving attention to the State's business pending elsewhere than in the courts in the city of Austin, vouchers to be made upon official certificate	1,000	1,000
Contingent expenses....	100	100
For certified costs of depositions, and securing evidence and documents necessary to the preparation of causes.	750	750
Costs in civil cases in which the State of Texas or any head of a department is a party.	3,000	3,000
For the enforcement of the anti-trust laws and laws concerning corporations, and procuring evidence, and conducting and prosecuting suits by the Attorney General and special counsel to be employed under the direction of the Governor, to be paid out on warrants issued by the Comptroller ordered by the Governor and Attorney General, to be expended in two years.....	10,000	
Total	\$34,830	\$24,330

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the Attorney General's Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF EDUCATION.

Salary of State Superintendent	\$2,500	\$2,500
Salary of chief clerk....	1,700	1,700
Salary of law and certificate clerk	1,350	1,350
Salary of statistical clerk	1,220	1,220
Salary of auditing and apportionment clerk...	1,220	1,220
Salary of stenographic, filing and general clerk	1,200	1,200
Salary of mailing and blank room clerk....	1,000	1,000
Salary of general assistant clerk	1,200	1,200
Salaries of two clerks for three months, July, August and September, at \$100 per month each	600	600
Salary of porter.....	480	480
Actual traveling expenses of State Superintendent or his representative when on official duty	500	500
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets	1,500	1,500
Express, freight, telegraphing, telephoning.	750	750
Contingent expenses	150	150
Paper, printing and distributing county superintendent's record books, county and independent school district, treasurers' report books, teachers' daily registers, school laws, examination questions, teachers', superintendents' and treasurers' blank reports, census blanks, courses of study, circulars to school officers and teachers, and other blank forms for the use of teachers and other school officers, or for the advancement of the cause of education	6,000	6,000
For support of public free schools for two years all the available free school fund arising from the interest on lease of school lands, interest on bonds, school taxes,		

and all other sources of revenue to said fund

Total\$21,370 \$21,370

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Education during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

TREASURY DEPARTMENT.

Salary of Treasurer....	\$2,500	\$2,500
Salary of chief clerk....	2,000	2,000
Salaries of three assistant clerks at \$1500 each	4,500	4,500
Salary of depository, file and bond clerk	1,200	1,200
Salary of stenographer and general assistant clerk	1,200	1,200
Salary of night watchman	800	800
Salary of porter.....	480	480
Books, stationery, furniture and postage....	1,500	1,000
Keeping in repair time locks, combinations, vaults and office furniture and files.....	150	150
Contingent expenses	300	300
To pay express charges, and to pay the charges on postoffice and express money orders upon money due the State as interest or principal due on bonds held by the State where the bonds are payable at any other point than Austin, Texas, and to pay express charges to place money in the city of New York for the payment of interest on State bonds payable in		

said city, and to pay exchange to and from depositories	300	300
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Total	\$14,930	\$14,430
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To refund to purchasers and to lessees of public domain, public school, university or asylum lands, and to purchasers of timber, or their vendees or assignees, money which has been or which may be paid by them into the State Treasury, or to the Attorney General, if in any of the following instances: (a) Through error made in good faith, to be supported by the official certificate of the State Treasurer or of the Attorney General, to whom such payment is made; (b) where the payment is made in accordance with law, but title cannot issue or possession cannot pass because of conflict in boundaries, erroneous sale, erroneous lease, or other causes; (c) in cases of sales out of leased lands; (d) where lease money has been paid on previously forfeited sales, the same having been reinstated and all back interest paid; (e) where erroneous timber sales have been made; (f) where overpayments have been made in final payment to State Treasurer; (g) where a reduction has been made in acreage of timber sold or of lands sold or leased; (h) in cases of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county, the previously paid but unearned portion of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been or may be credited, and all claims for refund or payment, except those embraced in subdivision (a) hereof to be certified by the certificate of the Commissioner of the General Land Office and also by the certificate of the State Treasurer or the Attorney General, as the case may be, as to the proper amount, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claim and to whom due; provided that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person

upon whom the loss falls in case of failure of title or right of possession, \$25,000 each year.

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the Treasury Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911; and no surplus shall be diverted from one account to another account; provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record be incorporated in the report made annually by the head of said department.

COMPTROLLER'S DEPARTMENT.

Salary of Comptroller..	\$2,500	\$2,500
Salary of chief clerk...	1,800	1,800
Salary of chief book- keeper	1,550	1,550
Salary of assistant book- keeper	1,300	1,300
Salaries of two corres- ponding clerks, at \$1200 each	2,400	2,400
Salaries of two sheriffs', clerks', witnesses' and attorneys' accountants	2,000	2,600
Salary of assistant sher- iffs', clerks', witnesses' and attorneys' ac- countant	1,100	1,100
Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroll- er	1,140	1,140
Salary of clerk for reg- istering county and city bonds	1,140	1,140
Salary of general war- rant clerk	1,300	1,300
Salary of assistant war- rant clerk	1,100	1,100
Salary of school and spe- cial warrant clerk....	1,300	1,300
Salary of bookkeeper in warrant department..	1,250	1,250
Salary of chief tax clerk	1,350	1,350
Salary of assistant tax clerk	1,200	1,200
Salary of assistant spe- cial tax clerk.....	1,100	1,100

Salary of redemption clerk	1,300	1,300
Salary of assistant redemption clerk	1,100	1,100
Salary of examining clerk	1,350	1,350
Salary of assistant examining clerk	1,100	1,100
Salary of auditing clerk	1,275	1,275
Salary of assistant auditing clerk	1,100	1,100
Salary of assistant pension clerk	1,200	1,200
Salary of one unorganized county tax clerk	1,100	1,100
Salary of deposit, warrant and general clerk	1,140	1,140
Salary of mailing and file clerk	1,100	1,100
Salary of assistant mailing and file clerk	1,100	1,000
Salary of general warrant and register clerk	1,100	1,100
Salary of cancellation of erroneous assessments clerk	1,100	1,100
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller	1,000	1,000
Salary of clerk to assist Comptroller in carrying out the provisions of the law regulating the sale of intoxicating liquors and to perform such other duties as may be required of him	1,500	1,500
To pay traveling expenses in securing depositions necessary under this item	500	500
Salaries of twelve assistant clerks at \$1,100 each	13,200	13,200
Salary of messenger and file clerk	480	480
Salaries of two porters, \$480 each	960	960
Postage, telegraphing, express and office furniture	4,300	4,300
Books and stationery	1,250	1,250
Contingent expenses	150	150
Traveling expenses of Comptroller or his representatives when necessary to check up tax collectors' accounts, or on official business	150	150
One adding machine	375	
Total	\$63,060	\$62,685

Provided, that the head of said department keep a record of the absences of the various employes and the reason therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Comptroller's Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor warrants issued nor obligations incurred in excess of the amounts herein appropriated.

Provided further, that the appropriations made for the Comptroller's Department, as above set out, are subject to Chapter 31 of the Acts of the Thirtieth Legislature.

GENERAL LAND OFFICE.

Salary of Commissioner	\$2,500	\$2,500
Salary of chief clerk	1,800	1,800
Salary of assistant chief clerk	1,400	1,400
Salary of legal examiner	1,500	1,500
Salary of receiver	1,350	1,350
Salary of head transcript clerk	1,200	1,200
Salary of one assistant transcript clerk	1,200	1,200
Salary of one assistant transcript clerk	1,150	1,150
Salary of head patent clerk	1,200	1,200
Salary of assistant patent clerk	1,200	1,200
Salary of head examining file clerk	1,300	1,300
Salary of assistant examining file clerk	1,100	1,100
Salary of one file and transfer clerk	1,100	1,100
Salary of custodian of files and file room clerk	1,200	1,200
Salary of letter register clerk	1,100	1,100
Salary of letter index clerk	1,100	1,100
Salary of abstract clerk	1,200	1,200
Salaries of corresponding clerks, nine at \$1,200 each	10,800	10,800
Salary of Spanish translator	1,140	1,140
Salary of chief draftsman	1,600	1,600
Salaries of five compiling		

draftsmen at \$1,400 each	7,000	7,000
Salaries of six assistant draftsmen at \$1,200 each	7,200	7,200
Salary of old title deposition clerk	1,200	1,200

School Land Department.

Salary of chief clerk...	1,500	1,500
Salary of head sales clerk	1,350	1,350
Salary of assistant sales clerk	1,200	1,200
Salary of scrap land sales clerk	1,200	1,200
Salary of award clerk...	1,200	1,200
Salary of assistant award clerk	1,200	1,200
Salary of chief bookkeeper	1,400	1,400
Salaries of three general clerks at \$1,200 each..	3,600	3,600
Salaries of three assistant bookkeepers at \$1,300 each	3,900	3,900
To employ additional clerical help to be used in two years.....	7,500	
Salary of head lease clerk	1,200	1,200
Salaries of two field agents at \$1300 each..	2,600	2,600
Salary of night watchman	600	600
Salary of janitor.....	600	600
Expenses of two field agents	2,000	2,000
Stationery, books, express, furniture and postage.	4,300	4,300
Contingent expenses ...	200	200
Wood, water and ice....	300	300
Telegraphing, telephoning, towels and laundry...	150	150
Repairs to fixtures and furniture	50	50
Repairs to building, matting	200	200
Vellum, blue print, drafting instruments and map machine	2,000	1,500
To purchase one adding machine	450	
Typewriting machines, materials and repairs, provided that the old machines may be exchanged in part payment for new ones....	250	250
For surveying, under the provisions of Section 147 of the General Laws of the Thirtieth Legislature, to be expended in two years..	15,000	
Traveling expenses for		

Commissioner or an employe under his instructions	500	500
Total	\$105,990	\$82,540

Provided, that it shall be the duty of the Commissioner to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the General Land Office during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, or obligations incurred in excess of the amounts herein appropriated.

RAILROAD COMMISSION.

Salaries of three Commissioners	\$12,000	\$12,000
Salary of secretary.	1,700	1,700
Salary of one rate clerk.	1,500	1,500
Salary of one general clerk	1,200	1,200
Salary of one general clerk	1,200	1,200
Salary of one expert accountant	2,700	2,700
Salary of one assistant expert accountant and rate clerk	1,800	1,800
Salary of one expert rate clerk	2,700	2,700
Salary of one assistant rate clerk	2,500	2,500
Salary of civil engineer.	3,000	3,000
Salary of stenographer..	900	900
Salary of porter.....	480	480
For contingent expenses, sheriffs' fees, transportation of clerks and commissioners when necessary, furniture, fixtures, and files, postage, stationery, books, telegraph, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs and for		

other necessary ex- penses	6,500	6,500
Total	\$38,180	\$38,180

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Railroad Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF AGRICULTURE.

Salary of Commissioner	\$2,500	\$2,500
Salary of chief clerk....	1,500	1,500
Salary of stenographer and typewriter	1,200	1,200
Salary of porter	480	480
Furniture (desks, chairs, tables and files)	250	250
Stationery, postage, ex- press and telegraphing	1,500	1,500
Telephone rent	48	48
Traveling expenses	600	600
Collecting, compiling and disseminating agricul- tural information	12,000	12,000
Enforcing nursery and orchard inspection law, to be spent in two years	5,000	
Contingent expenses	100	100
Conducting farmers' in- stitute work	5,000	5,000
Total	\$30,178	\$25,178

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Agriculture during the fiscal years

beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

UNIVERSITY OF TEXAS.

For the maintenance support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the years beginning September 1, 1909, and ending August 31, 1911, and the available university funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected, and all receipts whatsoever from any source.

For the maintenance, support and direction of the University of Texas for the two years beginning September 1, 1909, and ending August 31, 1911, from the general revenue\$240,000 \$240,000

Provided, that the above appropriation out of the general revenues for the support and maintenance of this institution is made upon the expressed condition that the Board of Regents of the University of Texas shall use a sufficient amount of the available funds of the University for the purpose of building a heating plant and a library building and may erect a chemical laboratory building at Galveston and to make such repairs for the Medical Department at Galveston as the Board of Regents may deem proper and necessary.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another ac-

count; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

MEDICAL DEPARTMENT AT GALVESTON.

For the maintenance, support and direction of the Medical Branch, including repairs and improvements, all the interest from endowments or donations, all gifts and fees collected from students and all receipts whatsoever from any source, and in addition thereto from the general revenue.....\$55,000 \$55,000

Provided, that the Board of Regents of the University of Texas shall use \$5000 out of the fees collected from students attending this institution for the purpose of repairing the Medical building at Galveston.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Medical Department at Galveston during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

AGRICULTURAL AND MECHANICAL COLLEGE.

For maintenance	\$50,000	\$50,000
Steam plant, operating expenses	6,000	6,000
Agricultural department	1,000	1,000
Mechanical engineering department	900	900
Horticultural department and equipment	1,000	1,000
Veterinary department	500	500
Animal husbandry department	750	750
Physics department and electrical engineering	900	900
Botanical department	300	300
Entomological department	750	750
Apiary and insectary	800	800
For the purpose of employing by the State		

Entomologist, local assistants in different parts of the State whose duties shall be to inspect apiaries and to treat foul brood, and all other contagious diseases of honey bees; provided that in case the State Entomologist can not secure a local assistant he may act in person and in such case his actual traveling expenses shall be paid out of this appropriation....	3,000	2,000
Civil engineering department	1,000	1,000
Agricultural engineering department	500	500
Chemical department	1,500	1,500
Care of grounds and roads	1,000	1,000
Fuel	2,000	2,000
President's fund, including postage, telegrams, telephone, publishing catalogues and circulars	4,000	4,000
Publishing bulletins....	1,000	1,000
For hog cholera, serum experiments	1,000	1,000
Student labor	7,000	7,000
For support and maintenance of Troupe experimental station ..	3,500	3,500
For support and maintenance of Beeville experimental station ..	3,500	3,500
Provided, that all the proceeds from the sale of all farm and dairy products of all the experimental stations, established and to be established, shall be paid into the State Treasury and become a part of the general revenue of the State.		
Textile school	750	750
Board's expenses	500	500
Repairs to buildings only	7,500	7,500
One dormitory, complete and equipped, to be known as "Willacy Hall"	60,000	
To build five cottages for professors, to be expended in two years ..	10,000	
Live stock, to be expended in two years..	2,500	

Civil engineering department, equipment.	2,000	2,000
Chemical department, addition to building	500	
Electrical engineering department, equipment	4,000	2,000
Library, books and periodicals	600	600
Rewiring building.....	2,000	
To complete basement of dormitory erected by authority of the Thirtieth Legislature.	2,500	
For installing a central heating plant	15,000	10,000
Total	\$199,750	\$114,250

Provided, that the director of experimental stations shall reside at College Station.

Provided, that in addition to the above, the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby appropriated for the support of this institution; provided further, that the Board of Directors of the Agricultural and Mechanical College of Texas shall include in their report the number of and the salaries of the faculty and employees of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions, in the same manner as the law requires the Board of Regents to report the salaries and number of the faculty and employees and the receipts of the University of Texas.

Provided, that all the net proceeds of the sale of farm and dairy products, surplus stock and worn out property shall be paid into the State Treasury and become a part of the general revenue of the State.

Provided, first, reports shall be made quarterly and filed with the Comptroller, giving an itemized statement of all moneys paid out and showing from what particular fund said money was paid; second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board or other items during the term. Said statement shall show what disposition is made of said fund, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasurer.

Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Ag-

ricultural and Mechanical College during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

PRAIRIE VIEW NORMAL (COLORED)

Maintenance and support	\$8,750	\$8,750
Scholarships, one student to be appointed by each Senator and Representative	8,750	8,750
Agricultural and mechanical department..	2,500	2,500
Female industrial department	800	800
Library and laboratory..	750	750
Stationery, postage and printing	300	300
Improvements on grounds and roads	500	500
Repairs and painting...	2,000	2,000
Furniture for dormitories	500	500
Student labor	1,000	1,000
Fences and bridges.....	500	500
Steam plant, running expenses	500	500
To erect two new cottages for teachers.....	1,500	
Completing sewer and water system	3,000	
For purchase of fire apparatus, including hose, cart, pump, etc., to be used in two years	500	
To purchase one typewriter for the superintendent	75	
Purchase of laundry machinery and extension of laundry building, to be used in two years..	600	
To purchase broom, shoe and hat material, to be used in two years.....	200	
To erect and equip one dormitory, complete..	20,000	
Dairy herd, to be expended in two years.....	500	
Total	\$53,225	\$26,850

Provided, that the receipts from the sales of farm and dairy products, surplus stock and worn out property shall be paid into the State Treasury, and become a part of the general revenue of the State.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the

general revenue for the Prairie View Normal during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

GIRLS' INDUSTRIAL COLLEGE.

Salary of president....	\$3,000	\$3,000
Maintenance and support, salaries of teachers	23,000	26,500
For student labor.....	1,000	1,000
For printing bulletins and catalogues	500	500
Stationery and postage..	250	250
Telephone, telegraph, small printing and office supplies	500	500
Materials and supplies for the several departments, brushes, brooms, toilet supplies, chemicals, practice materials	500	500
Support of summer school for industrial instruction, salaries of teachers and supplies.	1,000	1,000
Light, heat, power, coal, wood, gasoline and electricity	1,250	1,250
Library, books and periodicals	300	300
Inside improvements and repairs; toilet latrines, additions to radiators, plumbing, lunch counter, closets and shelving	1,000	1,000
Department funds, for purchase of apparatus, cases, charts, specimens and models.....	1,250	1,250
Outside improvements and repairs; fences, sheds, painting, tool house, shade trees, sidewalks, grading, fertilizer and wagon shed	1,000	1,000
Labor needed in developing and properly attending to grounds, stock and orchard....	750	750
Horses and implements for use on place.....	100	100
Dairy, feed, silo and milk cans and poultry feed.	350	350
Greenhouse; seeds, plants, pots, work tables and implements	100	100
Athletic grounds; grad-		

ing and preparing ground and fixing equipment for tennis, basket ball and open air calisthenics.....	75	75
President's traveling expenses; institutes and lectures	50	50
Regents' fund; for expenses of attending meetings and auditing books	500	500
To erect and equip an additional wing to the main college building (complete)	50,000	
Water works, including sewerage, hydrants, cisterns and connections	500	500
Commencement expenses; programs, invitations and rentals	100	100
Repairs, for buildings only	2,000	2,000
Additional equipment for hospital	750	
For removing and installing a heating plant, including building	7,500	
Contingent expenses	750	750
Total	\$98,075	\$43,325

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Girls' Industrial College during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

SAM HOUSTON NORMAL INSTITUTE

For support and maintenance	\$30,000	\$30,000
Scholarships	17,500	17,500
For library, apparatus, repairs, equipment and improvement	3,000	3,000
For the construction of a building for the teaching of agricultural and industrial arts (complete)	20,000	
Equipment for said building	5,000	
Total	\$75,500	\$50,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Sam Houston Normal Institute during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made or any appointment made and the appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

NORTH TEXAS STATE NORMAL.

For support and maintenance	\$30,000	\$30,000
Scholarships	17,500	17,500
For library, apparatus, repairs, equipment and improvement	3,000	3,000
For the construction of a science building	35,000	
Equipment for science building	5,000	
Installing sewerage	2,000	
Total	\$92,500	\$50,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas Normal during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made or any appointment made and the appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

SOUTHWEST TEXAS NORMAL SCHOOL.

Support and maintenance	\$30,000	\$30,000
Scholarships	17,500	17,500

For library, apparatus and equipment	3,000	3,000
Library building and equipment	15,000	
To purchase land adjoining the San Marcos school, to be approved by the Governor	1,500	
Total	\$67,000	\$50,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwest Texas Normal School during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made, or any appointment made and appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

WEST TEXAS NORMAL SCHOOL.

Scholarships	\$17,500
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Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the West Texas Normal School during the fiscal year ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided further, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made, or any appointment made and appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

In addition to the appropriations made by this act for the support of the several State normals, the Board of Education is hereby authorized to direct and to permit each of such normals to collect from each student attending the same for each year an incidental fee not to exceed the sum of \$10 and shall direct how the same may be applied.

Provided, that the State Board of Education shall direct the principals of these normal schools to arrange a course of study so that hereafter the same courses of study shall be used in each of said normals.

SUPREME COURT.

Salary of three Judges	\$12,000	\$12,000
Salary of clerk.....	2,500	2,500
Salary of Supreme Court reporter	3,000	3,000
Salary of assistant Supreme Court reporter.	3,000	3,000
Salary of stenographer and law clerk.....	1,500	1,500
Salary of marshal, who shall be appointed by the Chief Justice, whose duty it shall be to attend the sessions of the Supreme Court, to preserve order and execute its processes, and to act as assistant librarian and to keep the library open from 8 a. m. to 12 m., and from 1 p. m. to 5. p. m., except Sundays and holidays	1,000	1,000
Salary of porter for court room, library and clerk's room	480	480
Salary of porter for consultation room	480	480
Record books, stationery, furniture, typewriters and book cases.....	600	600
Postage and express....	150	150
Purchase of books for Supreme Court library, and consultation room, and for binding books to be selected by the Chief Justice	1,500	1,500
Contingent expenses.....	200	200
Total	\$26,410	\$26,410

Provided, that it shall be the duty of said clerk, on the first Monday of July, October, January and April of each year, to make a report to the Comptroller, showing the amount of such fees collected each year, giving the number of cases, but not necessarily the style of the case, together with the fees from other sources, stating in each instance the source. The reports shall also show the amounts paid for the service of the deputy clerk or clerks, as the case may be, and also the probable amount necessary to pay the salaries of the deputies for the ensuing quarter, which amount

may be retained by the clerk. The report shall be accompanied by the receipt or receipts of the State Treasurer for any balance that may remain after deducting from the amounts received the amounts to be paid out and so retained.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Supreme Court during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CRIMINAL APPEALS.

Salaries of three judges.	\$12,000	\$12,000
Salary of stenographer and bailiff for court.	1,200	1,200
Salary of stenographer for court	1,200	1,200
Salary and fees of the Assistant Attorney General	3,000	3,000
Salary of Court of Criminal Appeals reporter	3,000	3,000
Salary of clerk of Court of Criminal Appeals.	2,500	2,500
Salary of deputy clerk of Court of Criminal Appeals	2,000	2,000
Salary of porter.....	480	480
Postage	200	200
Law books to be selected by the presiding judge	400	400
Record books and stationery	400	400
Telegraphing and contingent expenses for the Assistant Attorney General	50	50
Contingent expenses ...	200	200
File cases	250	
Telephone	48	48
For rebinding books...	150	
To pay for the removal of any and all property, records, books, etc., of the State of Texas at Tyler and Dallas, pertaining to the Court of Criminal Appeals, which has not been sold as provided for by law....	250	
Total	\$27,328	\$26,678

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Criminal Appeals during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIRST DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Books for law library..	500	500
Postage and box rent..	150	150
Record books and stationery	200	200
Furniture and typewriter	200	100
Contingent expenses...	100	100
Fuel, light and ice....	200	200

Total\$13,210 \$13,110

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, First District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SECOND DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer..	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Postage and box rent..	150	150
Record books and stationery	200	200
Telephone and ice....	100	100
Books for law library..	500	500
Contingent expenses...	100	100
Purchase of new typewriter, furniture, book cases and carpets....	600	

Total\$13,510 \$12,910

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of

the general revenue for the Court of Civil Appeals, Second District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, THIRD DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Books for library and consultation room ...	500	500
Record books and stationery	200	200
Postage and box rent...	150	150
Ice, telegraphing, telephoning and express..	75	75
Contingent expenses....	100	100
Total	\$12,885	\$12,885

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Third District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FOURTH DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Postage and box rent..	150	150
Record books and stationery	200	200
Books for library.....	500	500
Telephone, express and ice	100	100
Contingent expenses...	100	100
Furniture	100	100

Total\$13,010 \$13,010

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Fourth District, during the fiscal years beginning September 1, 1909,

and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIFTH DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.	100	100
Salary of porter.	360	360
Record books and stationery.	200	200
Books for library.	500	500
Postage and box rent.	150	150
Contingent expenses.	100	100
Telephone and ice.	100	100
Total.	\$12,910	\$12,910

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Fifth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SIXTH DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.	100	100
Salary of porter.	360	360
Record books and stationery.	300	200
Postage and box rent.	150	150
Books for library.	750	500
Contingent expenses.	100	100
Telephone, ice, fuel, light and express.	200	200
Total.	\$13,360	\$13,010

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Sixth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

JUDICIARY.

Salaries of sixty-nine district judges.	\$207,000	\$207,000
Salaries of forty-four district attorneys.	22,000	22,000
Salary of one criminal district attorney.	500	500
Salary of assistant district attorney, Bexar county.	2,000	2,000
Salaries of two district judges of criminal courts.	6,000	6,000
Fees and costs of sheriffs, clerks and attorneys in felony cases.	310,000	310,000
Expenses of attached witnesses.	170,000	170,000
Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials.	37,000	37,000
To pay special judges.	4,000	4,000
To pay costs and officers' fees in cases of escheated estates, including such cases in which such costs and fees have already accrued and are owing by the State.	100	100
Total.	\$758,600	\$758,600

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the judiciary during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

STATE ORPHANS' HOME.

Salary of Superintendent, with provisions for himself and family, not to exceed in value \$500 per year. and fuel, lights, water and housing.	\$1,500	\$1,500
Salary of matron.	540	540
Salary of industrial manager.	1,250	1,250
Salaries of seven teachers.	2,520	2,520
Salaries of one assistant		

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Criminal Appeals during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIRST DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Books for law library..	500	500
Postage and box rent..	150	150
Record books and stationery	200	200
Furniture and typewriter	200	100
Contingent expenses....	100	100
Fuel, light and ice....	200	200

Total\$13,210 \$13,110

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, First District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SECOND DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer..	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Postage and box rent..	150	150
Record books and stationery	200	200
Telephone and ice.....	100	100
Books for law library..	500	500
Contingent expenses....	100	100
Purchase of new typewriter, furniture, book cases and carpets....	600	

Total\$13,510 \$12,910

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of

the general revenue for the Court of Civil Appeals, Second District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, THIRD DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Books for library and consultation room ...	500	500
Record books and stationery	200	200
Postage and box rent...	150	150
Ice, telegraphing, telephoning and express..	75	75
Contingent expenses....	100	100
Total	\$12,885	\$12,885

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Third District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FOURTH DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Postage and box rent..	150	150
Record books and stationery	200	200
Books for library.....	500	500
Telephone, express and ice	100	100
Contingent expenses....	100	100
Furniture	100	100
Total	\$13,010	\$13,010

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Fourth District, during the fiscal years beginning September 1, 1909,

and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIFTH DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Record books and stationery	200	200
Books for library.....	500	500
Postage and box rent..	150	150
Contingent expenses ...	100	100
Telephone and ice.....	100	100

Total\$12,910 \$12,910

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Fifth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SIXTH DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Record books and stationery	300	200
Postage and box rent..	150	150
Books for library.....	750	500
Contingent expenses ..	100	100
Telephone, ice, fuel, light and express....	200	200

Total\$13,360 \$13,010

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Sixth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

JUDICIARY.

Salaries of sixty-nine district judges	\$207,000	\$207,000
Salaries of forty-four district attorneys..	22,000	22,000
Salary of one criminal district attorney...	500	500
Salary of assistant district attorney, Bexar county	2,000	2,000
Salaries of two district judges of criminal courts	6,000	6,000
Fees and costs of sheriffs, clerks and attorneys in felony cases	310,000	310,000
Expenses of attached witnesses	170,00	170,000
Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials	37,000	37,000
To pay special judges	4,000	4,000
To pay costs and officers' fees in cases of escheated estates, including such cases in which such costs and fees have already accrued and are owing by the State	100	100
Total	\$758,600	\$758,600

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the judiciary during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

STATE ORPHANS' HOME.

Salary of Superintendent, with provisions for himself and family, not to exceed in value \$500 per year, and fuel, lights, water and housing	\$1,500	\$1,500
Salary of matron.....	540	540
Salary of industrial manager	1,250	1,250
Salaries of seven teachers	2,520	2,520
Salaries of one assistant		

matron and four ward nurses	1,380	1,380
Salary of physician, not to live at the Home..	600	600
Salaries of three cooks..	600	600
Salary of baker.....	300	300
Salary of dining room and dairy woman.....	240	240
Salaries of three laundresses	600	600
Salaries of farm laborers and gardeners.....	600	600
Salary of night watchman	360	360
Salary of trained nurse in hospital	660	660
Salaries of three seamstresses	720	720
Salary of engineer, electrician and plumber...	900	900
Salary of instructor in shoe shop	360	360
Salary of instructor in mattress and broom factory	600	600
Salary of carpenter and blacksmith, not to live at the Home.....	600	600
Salary of storekeeper and accountant	800	800
Material for broom factory	500	500
Machinery for broom factory		250
Fuel	3,500	3,500
Postage and stationery..	250	250
School and kindergarten supplies	500	500
Transportation	250	250
Telephone rent	150	150
Literature for reading room and Sunday school	150	150
Fencing material and building tank	200	200
Machinery for laundry..		250
Material for carpenter and blacksmith shop..	150	150
Material and work for plumbing and electric lights	300	300
Renewing and repairing heating plant to be expended in two years.	4,000	
Purchasing brick and building walks	400	
Purchasing mules and vehicles	400	200
Purchasing orchard and forest trees	300	
Purchasing and placing new boilers	2,400	
Installing cisterns and water supply	600	
General maintenance ...	30,000	30,000

For repairing, stuccoing and painting, plastering, calcimining and painting buildings, filling basement, renewing floors, ceilings, lavatories, sinks and baths, and for renewing sewerage plant, to be expended in two years..15,000

Provided, that not less than \$1500 of said sum shall be used for improving the hospital, and the board of managers are hereby authorized to locate the hospital in such building as in their judgment may be deemed best.

Total	\$74,180	\$51,780
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Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Orphans' Home during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the interest on all securities held by the Orphan Asylum fund is hereby appropriated in part payment of the appropriation of the State Orphans' Home the remainder of the appropriation to be paid out of the general revenue.

Provided, that all proceeds of sale of all products raised or manufactured at the State Orphans' Home shall be turned into the State Treasury.

CONFEDERATE HOME.

Salary of superintendent, with provisions for himself and family, not to exceed \$500 per year, and fuel, lights, water and housing...	\$1,500	\$1,500
Groceries, fuel, lights, water, feed, including pay for monthly meetings of board of managers, burial of the dead and compensation of chaplain	45,000	45,000
Salary of surgeon	1,500	1,500
For treatment of ear, eye and nose	300	300

Salary of storekeeper and accountant, who shall be bookkeeper	900	900
Salary of matron	480	480
Salary of apothecary	600	600
Salary of chief cook	550	550
Salary of baker	400	400
Salaries of two assistant cooks, at \$240 each	480	480
Salary of chief waiter	300	300
Salaries of nine waiters, at \$180 each	1,620	1,620
Salary of chief cook at hospital	540	540
Salary of assistant cook at hospital	240	240
Salary of stewardess at hospital	480	480
Salary of one trained nurse (male)	480	480
Salary of assistant nurse	420	420
Salaries of two night nurses	720	720
Salaries of six day nurses	1,728	1,728
Salaries of two hospital waiters	400	400
Salary of one barber	360	360
Salary of one head laundryman	480	480
Salaries of five laundresses	900	900
Shoe repairing	400	400
Salary of carpenter and plumber	480	480
Salary of seamstress	240	240
Salary of one yard man	240	240
Salary of master of rolls	240	240
To pay hostler, postmaster, wood chopper, day and night guard, and fire chief to work at home	850	850
Furniture and beds	600	600
Clothing, hats and shoes	11,000	11,000
Transportation	200	200
Books, periodicals, newspapers and postage	500	500
Salary of driver of delivery wagon	300	300
Painting and repairing of buildings	10,000	500
Improvement of grounds and beautifying same, to be expended under the supervision of a competent landscape gardener	2,000	2,000
Medical supplies and instruments	1,800	1,800
Kitchen, dining room and		

laundry supplies	500	500
For dental work	500	500

Total \$90,228 \$80,728

Provided, that the board of managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods and supplies as are of no use to the home, and apply the proceeds to the needs of said home.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Confederate Home during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes, whether from sickness, vacation or on leave of absence, and that said record of such absences be incorporated in the report made annually by the head of said department.

BLIND INSTITUTE.

Salary of superintendent, provided he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000
Salary of oculist	900	900
Salary of medical attendant	600	600
Salary of storekeeper and accountant, with board	900	900
Salary of matron, with board, for twelve months	600	600
Salary of assistant matron, with board, for nine months	450	450
Salary of principal	1,350	1,350
Salary of teacher, junior grade for boys	900	900
Salary of teacher, junior grade for girls	900	900
Salaries of two teachers (one intermediate, one subintermediate grade) for boys, at \$75 per month, for nine months, each	1,350	1,350
Salaries of two teachers		

(one intermediate, one subintermediate grade) for girls, at \$75 per month, for nine months, each	1,350	1,350	department, nine months, with board, at \$225 each	450	450
Salary of teacher, primary grade, for girls, for nine months.....	675	675	Salary of housekeeper for large boys, nine months, with board...	225	225
Salary of teacher, primary grade, for boys, for nine months.....	675	675	Salary of teacher, boys' industrial department, twelve months, without board	600	600
Salary of teacher, subprimary grade for boys, for nine months.....	675	675	Salaries of three seamstresses for three months, with board...	225	225
Salary of teacher, subprimary grade for girls, for nine months.....	675	675	Salary of assistant teacher, boys' industrial department, without board	400	400
Salary of teacher, kindergarten, nine months	810	810	Salary of physical director, nine months, without board	540	540
Salary of teacher, typewriting and telephoning, nine months.....	675	675	Salary of nurse for sick boys, nine months, with board	480	480
Salary of teacher of pipe organ, piano and harmony, nine months....	765	765	Salary of nurse for sick girls, nine months, with board	480	480
Salary of teacher of piano, mandolin and guitar, nine months...	765	765	Salary of monitress and seamstress for small boys, with board.....	300	300
Salary of teacher of vocal music, nine months	675	675	Salary of monitress and seamstress for small girls, with board.....	300	300
Salary of teacher in orchestral instruments, nine months	810	810	Salary of monitress for dining room, study hall and associate duties, with board	300	300
Salary of teacher, piano tuning and repairing and keeping all pianos in tune and repair, nine months	675	675	Salary of night watchman, twelve months, without board	600	600
Salary of assistant teachers in orchestral instruments, piano and cornet, nine months...	675	675	Salary of engineer, electrician and plumber, twelve months, with board and lodging for self	900	900
Salary of teacher, violin and piano, nine months	675	675	Salary of carpenter and painter, twelve months, with board	480	480
All above without board, except six, who do dormitory duties and other resident work; provided, the superintendent in his report to the board of trustees shall give the name of every teacher in this department who gets board.			Salary of assistant engineer, electrician and plumber, twelve months, with board...	450	450
Salary of music reader, nine months, without board	675	675	Salary of hostler and yard man, twelve months, with board...	300	300
Salary of teacher, girls' industrial department, nine months, without board	500	500	Salary of chief yard man, twelve months, with board	300	300
Salaries of two seamstresses, girls' industrial			Salary of office assistant and stenographer, twelve months, with board	300	300
			Salary of janitor of school building, nine months, with board...	225	225

Salary of one baker and five cooks, nine months, with board, \$270 each	1,620	1,620	ishings, dining room and kitchen belongings	2,500	2,500
Salaries of four dining room girls, nine months, with board, \$180 each	720	720	To buy two horses	350	
Salaries of four chambermaids, nine months, with board, \$180 each	720	720	Stamps, copy books and stationery	350	350
Salary of one head laundress, nine months, with board	270	270	Maintenance for girls' industrial department	800	800
Salaries of five assistant laundresses, nine months, with board, \$180 each	900	900	Maintenance for boys' industrial department	3,000	3,000
Salary of one cook for three summer months, with board	60	60	Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses	20,000	20,000
Salary of one chambermaid for three summer months, with board	60	60	For conduit from power house to building	4,300	
Salary of one laundress for three summer months, with board	60	60	For rewiring for electric lights all old buildings, carrying service from power plant, installing switch board in power house, and panel boxes on each floor of all buildings and putting light system in first-class condition, and rewiring the system of house phones	3,300	
Salaries of five trustees, \$60 each, payable monthly	300	300	For addition to laundry building and extension of power house chimney	2,000	
Transportation for indigent pupils	1,400	1,400	To purchase two metal washers, one collar folder and one conveyor dry room	1,000	
Dry goods and clothing for indigent pupils	1,900	1,900	For repairing steam heating plant and putting the system in first-class condition	3,500	
Fuel	3,500	3,500	For adding second story to mattress building and erecting an east wing, including heating and wiring, thereby making a safe and adequate industrial building	8,800	
Water and light	1,200	1,200	For purchasing boilers and building furnaces; provided, after inspection of old boilers same are necessary	1,500	
To purchase pianos, music in ordinary and in line and point print, dissected maps, globes, apparatus for school, furniture, kindergarten materials, sewing machines, and material for girls' industrial department; and the superintendent of the institution is authorized to exchange the old pianos now in the institution for new pianos at such a price as he may be able to get for them	2,000	2,000	Overhauling plumbing system and putting same in first-class condition	3,400	
General repairs to buildings and grounds, painting buildings and fences, enameling iron beds and bath tubs, repairing and upholstering furniture, purchasing bath tubs, floor coverings, furniture, floor and furniture fin-			For purchase of double swings, graphophones, books on elocution, wit, humor, recipes, health and ways to make money	250	

To remodel and equip the hospital	2,500	
Total	\$101,815	\$70,915

Provided, that the interest on all securities held by the Blind Asylum fund is hereby appropriated in part payment of the appropriation of the Blind Asylum, the remainder of the appropriation to be paid out of the general revenue.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Blind Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

DEAF AND DUMB INSTITUTE.

Salary of Superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family	\$2,000	\$2,000
Salary of principal, without board	1,350	1,350
Salary of first teacher, without board	1,000	1,000
Salary of second teacher, without board	1,000	1,000
Salary of third teacher, without board	1,000	1,000
Salary of fourth teacher, without board	720	720
Salary of fifth teacher, without board	720	720
Salary of sixth teacher, without board	720	720
Salary of seventh teacher, without board	720	720
Salary of eighth teacher, without board	720	720
Salary of ninth teacher, without board	720	720
Salary of tenth teacher, without board	660	660
Salary of eleventh teacher, without board	660	660

Salary of twelfth teacher, without board	660	660
Salary of thirteenth teacher, without board	660	660
Salary of first oral teacher, without board	1,000	1,000
Salary of second oral teacher, without board	900	900
Salary of third oral teacher, without board	900	900
Salary of fourth oral teacher, without board	780	780
Salary of fifth oral teacher, without board	720	720
Salary of sixth oral teacher, without board	720	720
Salary of seventh oral teacher, without board	720	720
Salary of eighth oral teacher, without board	720	720
Salary of ninth oral teacher, without board	720	720
Salary of tenth oral teacher, without board	720	720
Salary of eleventh oral teacher, without board	720	720
Salary of twelfth oral teacher, without board	600	600
Salary of thirteenth oral teacher, without board	600	600
Salary of fourteenth oral teacher, without board	600	600
Salary of fifteenth oral teacher, without board	600	600
Salary of sixteenth oral teacher, without board	600	600
Salary of seventeenth oral teacher, without board	600	600
Salary of eighteenth oral teacher, without board	600	600
Salary of art teacher, without board	720	720
Salary of instructor in printing, without board	720	720
Salary of instructor in shoemaking, without board	720	720
Salary of instructor in carpentry, without board	720	720
Salary of instructor in tailoring, without board	720	720
Salary of instructor in sewing, with board	480	480
Salary of instructor in painting, without board	600	600
Salary of storekeeper and accountant, with board	900	900
Salary of assistant bookkeeper, stenographer and office assistant	480	480

Salary of matron, with board	480	480	For care, maintenance and education for the blind deaf	2,000	2,000
Salary of housekeeper, with board	550	550	Laundry machinery and repairs to same.....	200	200
Salary of supervisor, with board	480	480	Machinery in shoe shop..	550	
Salary of second supervisor, with board.....	480	480	550 feet of new guttering, new ventilators and repairs on towers, main building	1,115	
Salary of two supervisoresses, for girls, with board	800	800	Building and equipping new kitchen, enlarging dining room and store room	7,500	
Salaries of two supervisoresses for small boys, with board	800	800	Span of mules and wagon; provided, the old ones may be given in part exchange.....	250	
Salary of night watchman, without board..	600	600	To equip new dormitory and provide new toilets	3,000	
Salary of engineer, electrician and plumber..	900	900	To build additional dormitories, complete	17,000	
Salary of assistant engineer and plumber, with board.....	600	600	To purchase a moving picture outfit and securing films	250	
Salaries of two trained nurses with board, at \$480 each	960	960			
Salary of one night supervisoress, with board	300	300	Total	\$124,905	\$95,290
Salary of gardener, with board	300	300	Provided, that the interest on all securities held by the Deaf and Dumb Asylum funds are hereby appropriated, the remainder to be paid out of the general revenue; and provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf and Dumb Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.		
Salaries of two laborers, with board	480	480	EPILEPTIC COLONY.		
Salary of foreman of laundry, with board...	450	450	Salary of superintendent; provided, he shall receive provisions not to exceed \$500 per year and fuel, lights, water and housing for himself and family.....	\$2,000	\$2,000
Salaries of six assistant laundresses, with board	1,200	1,200	Salary of assistant physician	1,250	1,250
Salary of baker, with board	480	480	Salary of storekeeper and accountant	900	900
Salary of chief cook, with board	480	480	Salary of matron and supervisoress	480	480
Salary of one assistant cook, for twelve months, with board...	300	300	Salary of supervisor....	480	480
Salaries of two assistant cooks, for ten months, with board	500	500	Salary of druggist....	720	720
Salaries of two chambermaids, with board....	480	480	Salary of engineer and electrician	1,100	1,100
Salaries of six dining room girls, with board	1,080	1,080			
Supplies and provisions..	36,000	36,000			
Water, light and power	3,100	3,100			
Furniture, furnishings and mattresses	1,200	1,200			
Clothing and transportation for indigents.....	3,300	3,300			
Art material	150	150			
Salaries of Board of Trustees	300	300			
Dry goods and blankets	1,000	1,000			
Medical attention	1,000	1,000			
Literary and school supplies	500	500			
Harness and tools.....	100	100			
Repairs on buildings and grounds	1,500	1,500			

Salary of assistant engineer	480	480	To build one new cottage, complete and equipped 15,000		
Salaries of two firemen..	600	600			
Salary of laundryman or laundress	360	360	Total	\$100,650	\$72,710
Salaries of four laundresses	960	960	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Epileptic Colony during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.		
Salary of head seamstress	300	300	Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.		
Salaries of three seamstresses	720	720	STATE LUNATIC ASYLUM.		
Salaries of three dining room girls for first year and four for the second year	720	960	Salary of superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000
Salaries of twenty-five night and day attendants for the first year and twenty-eight for the second year.....	6,000	6,720	Salary of first assistant physician	1,250	1,250
Salary of outside night watchman	360	360	Salary of second assistant physician	1,250	1,250
Salaries of two skilled nurses	720	720	Provided, that the board of managers of the State Lunatic Asylum may use \$500 from the fees arising from treatment in the Pasteur Institute to supplement and increase the salaries of the assistant physicians who do the pasteur work.		
Salary of head farmer and gardener	480	480	Salaries of third and fourth assistant physicians, at \$1250 each.	2,500	2,500
Salaries of two farm hands	480	480	Salary of steward, storekeeper and accountant.	900	900
Salary of dairyman....	300	300	Salary of assistant storekeeper and stenographer	600	600
Salaries of seven cooks.	2,100	2,100	Salary of druggist....	720	720
Salary of carpenter....	480	480	Salary of matron.....	600	600
Salary of baker.....	360	360	Salary of supervisor....	480	480
Salary of chaplain.....	150	150	Salary of assistant supervisor	420	420
Salary of shoemaker....	360	360	Salary of supervisoress..	480	480
Salary of tailor.....	360	360			
Salary of plasterer and painter	480	480			
For maintenance, including groceries, transportation, medical stores, surgical instruments and tools, drugs and pay of managers, water, lights, fuel, including mileage	35,000	40,000			
Tailors' supplies	200	200			
Literature and amusements	300	300			
Dry goods, beds and bedding	5,000	5,000			
Horses, mules, cows and hogs	300	300			
Transportation	300	300			
Trees and seeds	250	300			
Farm and grounds....	300	300			
To purchase furniture...	1,000	1,000			
Wagons, hacks and harness	300	300			
To install filter plant...	5,000				
Erecting a standpipe and installing hydrants	7,500				
To install sewerage farm	5,000				
To install coal bins....	1,500				

Salary of assistant supervisoress	420	420	Dry goods and clothing.	23,000	23,000
Salary of chaplain.....	300	300	Furniture and beds.....	2,500	2,500
Salary of outside supervisor and head farmer	550	550	Transportation of patients	700	700
Salary of chief engineer and plumber	1,100	1,100	Literature and amusements	600	600
Salary of assistant engineer and electrician....	550	550	Trees and seeds.....	350	350
Salary of assistant engineer and plumber....	550	550	Farm machinery and tools	350	350
Salary of gardener and florist	320	320	Engineers' and carpenters' tools	250	250
Salary of chief cook....	550	550	Horses, mules, cows and hogs	500	500
Salary of first assistant cook	320	320	Bridges, culverts and grounds	300	300
Salary of second assistant cook	320	320	Repairs, to be used in two years	15,000	
Salaries of nine assistant cooks	2,160	2,160	Wagons, hacks and harness	450	150
Salary of baker.....	480	480	For additional machinery for new laundry.....	2,500	
Salaries of two assistant bakers	480	480	To build new laundry...	8,300	
Salary of carpenter....	600	600	Converting present laundry into wards.....	4,000	
Salary of blacksmith....	420	420	To repair boiler, purchase new boiler, vacuum pump coffee roaster and cooler, dish washer and current motors	6,000	
Salary of plasterer and painter	540	540	To erect and equip two buildings, complete, for consumptive patients.	35,000	
Salaries of four firemen.	1,440	1,440	Additional appropriations to be used when new buildings provided for are completed and patients admitted.		
Salaries of twenty-two night attendants ...	6,600	6,600	Maintenance and support, including dry goods and clothing, and to pay additional employes for the additional patients provided for	6,000	
Salary of head laundress or laundryman	480	480	Provided, that the superintendent may sell such horses, cattle, hogs and machinery as may be deemed expedient, and invest the proceeds of same in like property.		
Salary of assistant head laundress or laundryman	300	300			
Salaries of twelve laundresses	2,280	2,280	Total	\$291,570	\$226,470
Salary of head seamstress	300	300			
Salary of knitting machine operator	420	420			
Salary of assistant knitting machine operator	240	240			
Salaries of seven seamstresses	1,680	1,680			
Salaries of eighty attendants	19,200	19,200			
Salaries of two trained nurses	840	840			
Salary of scavenger....	240	240			
To pay farm hands....	900	900			
Salary of dairyman....	360	360			
Salaries of two assistant dairymen	480	480			
Salary of tailor.....	480	480			
Salary of shoemaker....	400	400			
Salaries of four dining room girls	720	720			
Salary of butcher.....	450	450			
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments ...	132,500	132,500			

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Lunatic Asylum for the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no de-

iciency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the board of managers and superintendent for the purpose of its proper support and operation, and that a record of all fees so collected shall be kept, and an itemized account, showing each item of expenditure made out of such funds, and a detailed account made and included in an annual report of the hospital to the Governor.

Provided, that the head of said department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

SOUTHWESTERN INSANE ASYLUM.

Salary of superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000	Salary of first assistant cook	300	300
Salary of first assistant physician	1,250	1,250	Salaries of five assistant cooks	1,000	1,000
Salary of second assistant physician	1,250	1,250	Salary of baker	480	480
Salary of third assistant physician	1,250	1,250	Salary of assistant baker	240	240
Salary of storekeeper and accountant	900	900	Salary of carpenter	600	600
Salary of assistant storekeeper, accountant and office assistant	480	480	Salary of blacksmith	400	400
Salary of druggist	720	720	Salary of painter and plasterer	480	480
Salary of matron	600	600	Salary of tailor or tailor's dress	400	400
Salary of supervisoress	480	480	Shoe repairing	360	360
Salary of assistant supervisoress	420	420	Salaries of three dining room girls	540	540
Salary of supervisor	480	480	Salaries of four farm hands	720	720
Salary of assistant supervisor	420	420	Salaries of twelve watchmen	3,600	3,600
Salary of outside supervisor and head farmer	550	550	Salary of head laundryman or laundress	480	480
Salary of chief engineer	1,100	1,100	Salary of assistant laundress or laundryman	300	300
Salary of assistant engineer and electrician	550	550	Salaries of six laundresses	1,140	1,140
Salary of assistant engineer and plumber	550	550	Salary of head seamstress	300	300
Salaries of three firemen	1,080	1,080	Salaries of five seamstresses	1,200	1,200
Salary of gardener and florist	320	320	Salaries of two trained nurses, \$420 each	840	840
Salary of chaplain	300	300	Salaries of fifty attendants	12,000	12,000
Salary of chief cook	550	550	Salary of dairyman	360	360
			Salary of assistant dairyman	240	240
			Salary of butcher	450	450
			Salary of scavenger	240	240
			Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments	72,000	72,000
			Dry goods and clothing	12,000	12,000
			Transportation of patients	500	500
			Literature and amusements	400	400
			Cows, horses, mules and hogs	300	300
			Wagons, hacks and harness	200	200
			Trees, seeds, farm machinery and tools	300	300
			Bridges, culverts and grounds	200	200
			Engineers' and carpenters' tools	100	100
			General repairs and painting	5,000	3,000
			Furniture and beds	1,200	1,200
			Enlarging laundry and		

purchasing laundry machinery	2,500
To erect and equip two buildings, complete, for consumptive patients.	20,000
To erect and equip east wing to present hospital, complete, and connecting passage....	15,000
To erect and equip wing to present female ward, complete	35,000
To erect and equip wing to present male ward, complete	35,000
To erect and equip a ward building for negro patients, complete	20,000
Additional appropriations to be used when new buildings provided for are completed, and patients admitted.	
For maintenance and support, including dry goods and clothing, and additional employes for the additional patients	24,000
To purchase kitchen utensils	600
To enlarge power plant and to purchase new boilers and machinery.	10,000
Provided, that the superintendent may sell such horses, cattle, hogs and machinery as may be deemed expedient and invest the proceeds of same in like property.	
Total	\$272,420 \$156,320

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwestern Insane Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution shall keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.

NORTH TEXAS HOSPITAL FOR THE INSANE.

Salary of superintendent, with provisions for himself and family not to exceed in value \$500 per year, and fuel, lights, water and housing	\$2,000	\$2,000
Support, maintenance, groceries and fuel, lights and water; pay of board of managers, including mileage, drugs, medical stores and surgical instruments	185,000	185,000
Dry goods and clothing.	32,000	32,000
Salaries of first, second, third, fourth and fifth assistant physicians, at \$1250 each	6,250	6,250
Salary of clerk and storekeeper	900	900
Salary of assistant storekeeper and stenographer	600	600
Salary of druggist.....	720	720
Salary of matron.....	600	600
Salary of supervisor....	480	480
Salary of assistant supervisor	420	420
Salary of outside supervisor and head farmer	550	550
Salary of supervisoress.	480	480
Salary of assistant supervisoress	420	420
Salary of chief engineer and plumber	1,100	1,100
Salary of assistant engineer and electrician...	550	550
Salary of plumber.....	550	550
Salary of assistant plumber	480	480
Salaries of six firemen..	2,160	2,160
Salary of gardener and florist	320	320
Salary of chaplain.....	300	300
Salary of chief cook.....	550	550
Salary of assistant cook.	320	320
Salaries of eight under cooks	1,920	1,920
Salary of baker.....	550	550
Salaries of two assistant bakers	480	480
Salary of carpenter.....	600	600
Salary of blacksmith...	400	400
Salary of plasterer....	480	480
Salary of assistant plasterer	360	360
Salary of painter.....	480	480
Salary of assistant painter	360	360

Salary of tailor or tail- oress	400	400	new buildings provid- ed for are completed and patients admitted.
Salary of shoemaker....	400	400	For maintenance and
Salaries of five dining room girls	1,080	1,080	support, including dry goods and clothing, and
Salaries of twenty night attendants	6,000	6,000	to pay additional em- ployes for the addi- tional patients provid- ed for
Salaries of six farm hands	1,080	1,080	3,000
Salary of head laundry- man or laundress....	480	480	Provided that the super- intendent may sell
Salary of assistant laun- dress or laundryman.	300	300	such horses, cattle, hogs and machinery as may be deemed exped- ient and invest the proceeds of same in like property.
Salaries of thirteen laun- dresses	3,120	3,120	
Salaries of four trained nurses	1,680	1,680	
Salary of head seams- tress	300	300	
Salaries of two outside watchmen	720	720	Total
Salaries of ten seams- tresses	2,400	2,400	\$359,770 \$305,470
Salary of mattress maker	300	300	Provided, that the interest on all se- curities held by the Lunatic Asylum fund is hereby appropriated in part payment of the appropriations of the three luna- tic asylums, the remainder of the ap- propriation to be paid out of the general revenue. All moneys now in, or which may hereafter be paid into the State Treasury for the board and treatment of non-indigent patients and sales of per- sonal property of the three lunatic asy- lums, shall be paid over to the State Treasurer monthly and credited by him to the general revenue.
Salaries of 115 attend- ants	27,600	27,600	Provided, that all fees collected from non-indigent patients treated at the Pas- teur Institute may be used as directed by the board of managers and superintend- ent for the purpose of its proper sup- port and operation, and that a record of all fees collected shall be kept, and an itemized account, showing each item of expenditure made out of such funds, and a detailed account made and included in an annual report of the hospital to the Governor.
Salary of dairyman....	360	360	Provided, that the head of said de- partment keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.
Salaries of two assistant dairymen	480	480	Provided, that the amounts herein ap- propriated for each item as stated here- in, and no more, shall be paid out of the general revenue for the North Texas Hospital for the Insane during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor
Salary of butcher.....	450	450	
Salary of scavenger....	240	240	
Transportation	800	800	
Furniture and beds....	3,000	3,000	
General repairs and painting	10,000	5,000	
Literature and amuse- ments	750	750	
Fire department	500	500	
Trees and seeds	400	400	
Horses, mules, cows and hogs	500	500	
Engineers' and carpen- ters' tools	300	300	
Bridges, culverts and grounds	1,500	300	
Laundry machinery and repairs	500	500	
Fencing	250	250	
Wagons, hacks and har- ness	300	300	
Mowers, plows and farm tools	300	300	
Pasteur Institute equip- ped	5,000		
Overhauling steam heat- ing plant in main building	7,500		
Two pavilions	3,600		
To erect and equip two buildings (complete) for consumptive pa- tients	35,000		
Additional appropria- tions to be used when			

shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

DEAF, DUMB AND BLIND ASYLUM (COLORED).

Salary of superintendent	\$1,500	\$1,500
Salary of principal teacher	675	675
Salaries of five class room teachers and one music teacher, at \$50 per month, for nine months	2,700	2,700
Salary of instructor in broom and mattress making	450	450
Salary of shoemaker	450	450
Salary of seamstress	360	360
Salary of matron	360	360
Salary of laundress and one assistant	420	420
Salary of night watchman	300	300
Salary of engineer and plumber	600	600
Salary of preceptress	360	360
Salary of cook and assistant	500	500
Salary of farmer and gardener	300	300
Salary of monitor for large boys	270	270
Furniture	200	200
Books	175	175
Stationery, postage and printing	100	100
Clothing for indigent pupils	600	600
Tools for shop and apparatus	150	150
Repairs and general improvements	3,000	1,000
Groceries and miscellaneous	10,000	10,000
Salary and mileage of board	300	300
Salary of oculist	600	600
Salary of instructor in tailoring	450	450
Transportation of indigent pupils	500	500
For amusements	150	150

Total\$25,470 \$23,470

Provided, that the head of said department keep a record of the absence of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf, Dumb and Blind Asylum (colored) during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

PENSIONS.

To pay veterans, under general law	\$23,000	\$21,000
To pay Confederate pensions	500,000	500,000
Salary of Pension Commissioner	2,000	2,000
Furniture and desk	200	
Stationery, postage and contingencies	450	200
Total	\$525,650	\$523,200

Provided, that the amounts herein appropriated for such item as stated herein, and no more, shall be paid out of the general revenue for the pensions during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

PUBLIC DEBT.

Payment of interest on public debt	\$109,840	\$97,820
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THE STATE INSTITUTE FOR THE TRAINING OF JUVENILES.

Salary of superintendent, with provisions for himself and family not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$1,800	\$1,800
Salary of accountant	900	900
Salary of farm supervisor	600	600
Salary of engineer	720	720
Salary of assistant engineer	500	500
Salaries of two teachers, \$480 each	960	960
Salaries of two teachers, \$600 each	1,200	1,200

Salaries of sixteen guards, \$360 each	5,760	5,760
Salary of baker and cook	360	360
Salary of druggist and nurse	400	400
Salary of physician.....	400	400
Salary of chaplain.....	300	300
Maintenance	32,000	32,000
Fuel	2,500	2,500
Books and slates.....	500	500
Postage and express....	400	400
Medicine	450	450
Discharge and transpor- tation	1,800	1,800
Literature and library..	350	350
Farm implements	400	400
To purchase mules; pro- vided the superintend- ent may exchange old mules now on hand in part payment of same.	1,500	
School room furniture, including organ	600	
To erect a barn for pro- tection of cows, reap- ers, mowers, wagons and farm tools, and for storing coal and cotton seed	5,000	
Fencing material	500	
To erect a steel tank and tower not less than 25,000 gallons capac- ity	3,000	
For repairs to buildings.	1,500	1,500
To erect and equip a new building for dormi- tory, school room and dining room purposes, together with the nec- essary school furniture, dormitory beds, kitch- en and dining room furnishings, both the building and furnish- ings to be complete; also for leveling and improving the ground, building fence and ce- ment walks around said building	30,000	
Total	\$94,400	\$57,800

Provided, that the appropriations above made for the State Institute for the Training of Juveniles shall not be available if any woman is appointed as a member of the board of managers of this institution who is not a mother.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and

said record of such absences shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Institution for the Training of Juveniles during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the superintendent of the State Institution for the Training of Juveniles is hereby required to rent sufficient land to keep all inmates employed.

STATE PENITENTIARIES.

The proceeds of all convict labor, or so much thereof as may be necessary, are herein appropriated for maintenance and support, and out of the general revenue no more than the following sums shall be paid for the purposes herein set forth:

For conveying convicts to the penitentiaries and reformatory	\$12,000	\$12,000
Total	\$12,000	\$12,000

Provided, that the financial agent of the State penitentiaries shall set aside at least one hundred (\$100) dollars from the available fund of the penitentiary system to be expended at the Rusk prison and the same amount at the Huntsville prison for literature, to be under the direction of the chaplain of these prisons.

Provided, that the proceeds of all products manufactured or otherwise of the penitentiary, and all proceeds arising from the lease of convicts and from all other sources shall be reported to the Governor on the first day of each month, and statements of all expenses or obligations, whether for salaries paid, labor performed, purchase of material, supplies or provisions or otherwise, and all receipts arising from any source whatever, shall be made to the Governor monthly; provided, said accounts shall be itemized, showing to whom salaries are paid and for what service, and the time of said service; and accompanied by vouchers receipted by said employe; and provided further, that such monthly statements, when accompanied by all vouchers endorsed for services rendered,

supplies purchased or otherwise, as provided in Section 1 of this act, when submitted to and approved by the Governor shall be deemed sufficient authority for the Penitentiary Board to retain such amount of money or moneys on hand to meet the expenditures set forth in such statement; provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State penitentiaries during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the Penitentiary Board is hereby authorized to pay out of any money to the credit of the penitentiary in addition to the amounts paid under the law the necessary traveling expenses for inspectors and other employees of the penitentiary or reformatory when traveling on the State's business.

It is hereby expressly provided that all appropriations provided herein for new buildings shall be construed to mean for such buildings complete, unless otherwise specified.

Provided, that any portion of appropriations made herein for the year ending August 31, 1910, for maintenance and support, the erection, remodeling or equipment, for repairs of buildings or for any institution of this State for which appropriations have been made herein which remain unexpended at the end of said fiscal year, shall be available and may be used for the year ending August 31, 1911.

Provided further, that no surplus shall be diverted from one account to another account, and the money appropriated, or so much thereof as may be necessary, shall be applied to the payment of each item for which the appropriation is respectively made and nothing else. No deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the Governor, in case of any extraordinary emergency, may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. This provision shall apply to all State institutions and departments.

All money appropriated by this act shall remain in the State Treasury and

be paid out only as it is expended or as the necessity or emergency may require.

By the use of the word "maintenance" in any provision or section of this bill, is intended to mean, and shall mean and be construed, as and for the support of, the several institutions named, and not the construction or for the repairs of any building or other improvements for, or of, said institution, and no warrants shall be drawn or paid on said maintenance fund except for the purposes herein stated.

Nothing in this act shall be held to repeal or impair the authority conferred by Chapter 46 of the Acts of the Twenty-fifth Legislature, Regular Session, on pages 46 and 47 thereof, providing for the creation of deficiencies, and authorizing the Governor to act in cases of emergency. And it is further provided, that it shall be unlawful for the head of any department of this State, for the support of which any money is appropriated by this act, to approve any claim, or for the Comptroller of this State to draw any warrant for the payment of any claim for money appropriated by this act, or for the Treasurer of this State to pay any money appropriated by this act, for services performed after this act takes effect to any person employed in any of the departments of the State Government who may be related within the third degree of consanguinity or affinity to the head of the department who has the power in whole or in part to make such appointment, and any person violating this provision of this act, upon conviction thereof, shall be punished as provided by the law passed by the Thirtieth Legislature prohibiting nepotism.

Provided further, that the head of each department of this State for which an appropriation is herein made, shall, from and after the taking effect of this bill require each and every employee to work not less than eight hours each and every work day, and for every day or part thereof he fails to so work, he shall have deducted from his salary or wages the time so lost, unless he or she was sick or physically disabled from performing such duties; provided, that employees in the service of the State who have been in such service one year or more may be entitled to a vacation not to exceed fifteen days in any one year without any reduction of salary.

Provided further, that all buildings for the erection and equipment of which appropriations have been made under

this act, and all improvements and repairing of any public building, shall be erected and made under the direction, management and supervision of a competent architect, to be appointed by the board of managers of the institution for which said improvement is made, and approved by the Governor, whose fees and salary shall be deducted from the respective appropriations made for such purpose, not to exceed \$2500 per annum, and he shall perform such duties in relation thereto as may be directed by said board. Bids to erect, equip or repair such buildings shall be let by said board to the lowest responsible bidder, notice of which shall be given in some daily paper in this State; the contractor shall enter into a good and solvent bond, payable to the president of said board at his place of residence, conditioned that he will do the work contracted for according to the plans and specifications to be furnished by said architect, and use such materials in the construction or repair of said buildings as may be called for in said plans and specifications. Said board shall have general supervisory control over such improvements jointly and in connection with said architect, one-fourth to be paid when the work begins and the material is on the ground, and the other three-fourths to be paid as the judgment of said board may deem proper; provided, that the Comptroller shall not issue any warrants except upon an itemized statement, sworn to by the contractor and approved by said board and architect as a voucher for same, which shall be filed with the Comptroller. And it is expressly provided, that where a new building and equipment or additions to old buildings as provided for in this act, the same shall be completed in all their parts, and no plans and specifications shall be accepted by the board or any institution that will involve a greater outlay of money to fully complete any building and all equipments and appurtenances thereto than the several amounts herein appropriated for that purpose.

And provided further, that all architects employed as herein provided for shall execute and deliver to the board of managers of the State institution for which improvements and repairs are to be made a good and sufficient bond, payable to the Governor of the State, in such amount as such board of managers may require, conditioned that such architect shall be liable and bound to pay the State of Texas all such damages as

it may sustain by reason of defective plans and specifications or for any wilful failure or negligent performance of duty.

Provided, that all the officers and employes of any State eleemosynary institution, where it is believed to be necessary by the board of managers and superintendent that they reside at such institution, may, in addition to the salary herein provided for, receive their board and housing when practicable, and laundry; and provided further, that no person in any event shall reside in any of such institutions other than the officers and employes thereof, except the family of the superintendent and the families of the assistant physicians and storekeeper and accountant (if any), in case the superintendent and board shall deem it to the best interest of the institution that such families should reside therein, and where the said families or members thereof do reside in such institution, it shall be the duty of the board of managers to have charged to each of them the reasonable cost to the State by reason of supplies and service in preparation of their board and laundry at such institution, at reasonable cost of such laundry, and the superintendent shall collect the same monthly and remit the amount so collected to the State Treasury.

MISCELLANEOUS ITEMS.

To refund to various railway companies the gross receipts tax paid by them to the Treasurer of the State of Texas under Chapter 141 of the Acts of the Twenty-ninth Legislature, which act has been declared by the courts to be unconstitutional (said tax paid for the year 1905) ..\$28,854 58

To refund the liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their licenses in local option districts up to August 31, 191115,000 00

To pay Clark & Courts, Galveston, Texas, account Court of Civil Appeals, Sixth District, dated September 15, 1908 61 50

To pay E. T. Roseborough, assignee of J. S.

Gaines, account Court of Civil Appeals, Sixth District, dated October 10, 1908	32 40
To pay Texas Printing Company, account Court of Civil Appeals, Fort Worth, dated February 3, 1909.....	107 05
To refund certain franchise taxes paid by Fidelity Insurance, Casualty and Bonding Companies to the Secretary of State, under the acts of 1897, said taxes having been collected after said act had been repealed by act of the Twenty-ninth Legislature	422 00
To refund fees and taxes unlawfully collected on claims approved by the Commissioner of Insurance and Banking and the Attorney General	104 10
To refund filing fees paid by beneficiary associations of other States for the year 1908, no license having been issued to said associations	54 00
To refund excess occupation tax paid for the year 1908 by the Western Assurance Company of Toronto.....	42 08
To refund excess occupation tax paid for the year 1908 by British America Assurance Company	47 76
To pay unpaid contingent expenses, Department of Insurance and Banking	10 05
To pay Maverick-Clark Lithographing Company, San Antonio, supplies furnished Court of Civil Appeals during years 1904, 1905 and 1906	224 25
To pay Commercial Recorder Company for material furnished Court of Civil Appeals, Fourth District, January 15, 1908.....	35 25
To refund J. M. Brown & Co. the unused portion	

of tax of \$50 paid, in accordance with Article 5049, Subdivision 28, repealed by act of the Thirtieth Legislature, before license expired.	33 40
J. S. Kendall, for salary as principal of North Texas State Normal for July and August, 1902	416 66
Lawyers' Co-operative Publishing Company, for books for Court of Civil Appeals, Fort Worth	173 50
Judge Howard F. O'Neal, for services as special judge of the Court of Criminal Appeals	90 20
J. B. Cave, for balance paid by him for Court of Criminal Appeals..	13 70
W. R. Davie, for balance due as salary while serving as Tax Commissioner	41 65
Link, Craddock & Dalton, for refund of liquor dealers' tax on gross receipts	15 90
A. L. Ledbetter, sheriff of Dallas county, for fees due in running down and conviction of a criminal in said county	132 20
Texas Company, for balance due on a carload of fuel oil for the Deaf and Dumb Asylum....	99 84
J. L. Wright, for erroneous assessment of taxes in Hill county..	16 25
D. R. LeMaster, for funeral expenses of Confederate soldiers	21 80
W. W. Hardy, for witness fees and mileage in case of the State vs. Jack Hardy	4 98
Texas Company, for fuel oil for State Lunatic Asylum	174 77
Slayden-Kirksey Woolen Mills, for clothing for North Texas Insane Asylum in the year 1907	350 00
To refund the State's portion of liquor licenses under Sections 7 and 16, Chapter 138 of the Acts of the Thir-	

tieth Legislature, for the two years ending August 31, 1909.....	2,500 00	copying field notes for the State	17 50
To refund to the Citizens Railway Company of Waco, Texas, the amount of franchise taxes paid by said company to which it was not subject and erroneously paid by it	253 50	To pay Higgins Oil and Fuel Company for freight on car of oil for the State Orphans' Home at Corsicana...	55 20
To pay claim of American Engineering Speciality Company for system of steam circulation and attachments for State Capitol building	3,500 00	To pay Waters & Hail for a refund of unearned occupation tax as liquor dealer.....	281 09
For the purchase and payment of a portrait of David Crockett, painted by W. H. Hudde, or so much thereof as may be necessary, to be purchased by the Governor	5,000 00	To pay Waters-Pierce Oil Company for oil for the State Orphans' Home at Corsicana...	54 02
To pay the Higgins Oil and Fuel Company for three cars of oil furnished the State Lunatic Asylum, Austin, Texas, being cars Nos. 156, 160 and 170, presented in their claim against the State.....	644 58	To refund taxes paid by sundry persons, companies, or associations under Section 11, Chapter 148, Acts of the Twenty-ninth Legislature, known as the "Kennedy bill," which section has been declared unconstitutional by the courts.....	1,224 60
To refund to the Security Mutual Life Insurance Company the amount of franchise tax erroneously paid by said company for the year 1905	25 00	To erect a monument at Gonzales, Texas, at some place on the public square that may be selected, in memory of this as the birthplace of Texas independence, and in memory of those who made this spot historic in the first battle of the Texas Revolution; under the supervision of the Governor, Attorney General and Comptroller, who are authorized and instructed to enter into contracts for the purpose of this appropriation	5,000 00
To pay Robinson Bros. for supplies for the colored Deaf, Dumb and Blind Asylum at Austin	39 67	For the purchase of the two paintings, "The Battle of San Jacinto" and "Dawn of the Alamo," painted by McArdle, to be purchased by the Governor at his discretion.....	10,000 00
To pay Southwestern Oil Company for oil furnished the Southwestern Insane Asylum at San Antonio	150 83	For the payment of John Littleton for services as school teacher in the months of July and August, 1871, in Red River county	233 40
To pay the Terrell Wholesale Grocery Company for supplies furnished the State Lunatic Asylum	504 34	To pay M. W. Scott of Dodson & Scott, architects, for services rendered in preparing	
To pay Swift & Co. for supplies furnished State Lunatic Asylum at Austin	124 80		
To pay W. D. Twitchell for surveying fees and			

plans and specifications for quarantine station house for inspection at Galveston, Texas, under contract with Governor Sayers and direction of Dr. Geo. R. Tabor, health officer	525 00	Salary of clerk of Court of Criminal Appeals from June 14 to September 1, 1909.....	520 83
To pay the heirs of W. A. Polk for services rendered by him as storekeeper and accountant at the State Orphans' Home from September 1 to October 21, 1905.....	113 22	Salary of deputy clerk of Court of Criminal Appeals from June 14 to September 1, 1909....	416 66
To pay G. W. Little, sheriff of Gregg county, for conveying an attached witness James Ansley to the Harrison county court, February term, 1909.....	7 80	To pay H. Bascom Thomas mileage due him under Section 24, Article 3 of the Constitution of the State of Texas	116 00
To pay J. C. Pritchard, assignee of J. C. Atkinson, witness fees in case of State vs. S. R. Riley in the district court of Throckmorton county	25 64	To pay John Matthews mileage due him under Section 24, Article 3 of the Constitution of the State of Texas.....	44 80
To pay and reimburse city of Austin in the amount of one half the cost of a storm sewer on West Eleventh street from Congress avenue to Colorado street and north on Colorado street to Thirteenth street	345 28	To refund National Union Insurance Company of Pittsburg for overpayment of taxes, year 1905	62 70
To refund unused portions of liquor dealers' licenses erroneously issued in Navarro county, believed to have been legally authorized under the provisions of Chapter 138 of the laws of the Thirtieth Legislature, the amounts to be refunded to be calculated in proportion to the total sums paid as the number of days such licenses were unused are to the total number of days for which such licenses were issued....	5,000 00	To pay Globe and Rutgers Fire Insurance Company franchise tax unlawfully paid for 1905	130 00
To pay assistant district attorneys for fiscal year ending August 31, 1909	1,000 00	To pay State Printing Company balance due on account filed October 21, 1907.....	495 72
		To pay T. J. Pritchard, sheriff of Limestone county, expense incurred in conveying attached witnesses to district court of Bosque county, September term, 1908	43 41
		To carry into effect House Concurrent Resolution No. 12, enacted at the Regular Session of the Thirty-first Legislature, providing for the preparation and presentation of the claim of the State of Texas vs. the United States for the protection of her frontier during the latter part of 1859 and the first part of 1860	2,000 00
		For the payment of the claim against the State held by the wife of H. P. Haldeman, growing out of extra work and material furnished the State Lunatic Asylum for an associate dining	

hall not contemplated in the contract and not in the plans and specifications to same; and also for work done and material furnished on the infirmary building and for extras over and above the contract and not mentioned in the plans and specifications, furnished in 1899 to 1901; provided, said claim is established by any district court of the State of Texas; and authority is hereby given to the said Mrs. H. P. Haldeman or her assigns or the holder of said claim to institute suit against the State of Texas for the recovery of said claim; provided further, that upon the trial of said cause, if the equitableness of said claim be established in favor of the holder thereof and against the State, that no laches on the part of the holder of said claim shall defeat the recovery and that no statute of limitation shall be a claim in favor of the State against the holder of said claim, or so much thereof as may be necessary; provided, the State may be cited in said cause by serving citation upon the Attorney General of the State of Texas11,000 00

For the payment and cancellation of the following outstanding bonds of the State of Texas, a part of the public debt: \$645,200, \$188,500, \$41,400, \$22,100, \$20,700, \$15,600, \$135,-

400, all of which said bonds mature July 1, 19091,068,900 00

It is hereby expressly provided that the appropriation of \$4237.36 made by the Thirtieth Legislature to construct a retaining wall at the foot of Congress avenue along the front of the State property, known as the river walk in the city of Austin, \$2000; for brick paving of street upon which this property abuts 981.3 square yards at \$2.28 per square yard, \$2237.36, making a total of \$4237.36 shall not lapse at the end of the fiscal year of 1909, but the amount remaining unused which is now in the State Treasury, out of said appropriation amounting to \$2237.36 be, and the same is hereby appropriated anew and shall be and remain subject to be expended at any time during the fiscal years of 1910 and 1911 under the provisions as herein above stated.

Total\$1,167,135 55

Provided, that all appropriations under the head of miscellaneous items shall be immediately available upon the passage of this act for the payment of all amounts mentioned therein.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

RECAPITULATION.

Executive Office	\$ 21,868 00	\$ 20,616 00
Mansion and Grounds.....	3,450 00	1,450 00
Department of State.....	14,880 00	14,580 00
State Revenue Agent.....	4,275 00	4,175 00
Public Buildings and Grounds.....	53,182 00	40,755 00
Department of Insurance and Banking.....	30,840 00	29,340 00
Texas Library and Historical Commission.....	8,328 00	5,378 00
State Tax Board.....	4,250 00	4,050 00
State Purchasing Agent.....	4,900 00	4,900 00
Public Printing	32,650 00	32,650 00
Bureau of Labor Statistics.....	3,900 00	3,900 00
Adjutant General's Department.....	69,455 00	49,380 00
Texas State Board of Health.....	58,495 00	58,495 00
Fish and Oyster Commission.....	2,450 00	2,450 00
Live Stock Sanitary Commission.....	15,000 00	15,000 00
State Mining Board.....	3,800 00	3,800 00
Pure Food Commission.....	8,150 00	7,850 00
Attorney General's Department.....	34,830 00	24,330 00
Department of Education.....	21,370 00	21,370 00
Treasury Department	14,930 00	14,430 00
Comptroller's Department	63,060 00	62,685 00
General Land Office.....	105,990 00	82,540 00
Railroad Commission	38,180 00	38,180 00
Department of Agriculture.....	30,178 00	25,178 00
University of Texas.....	240,000 00	240,000 00
Medical Department of Galveston.....	55,000 00	55,000 00
Agricultural and Mechanical College.....	199,750 00	114,250 00
Prairie View Normal (colored).....	53,225 00	26,850 00
Girls' Industrial College.....	98,075 00	43,325 00
Sam Houston Normal Institute.....	75,500 00	50,500 00
North Texas State Normal.....	92,500 00	50,500 00
Southwest Texas Normal School.....	67,000 00	50,500 00
West Texas Normal School.....		17,500 00
Supreme Court	26,410 00	26,410 00
Court of Criminal Appeals.....	27,328 00	26,678 00
Court of Civil Appeals, First District.....	13,210 00	13,110 00
Court of Civil Appeals, Second District.....	13,510 00	12,910 00
Court of Civil Appeals, Third District.....	12,885 00	12,885 00
Court of Civil Appeals, Fourth District.....	13,010 00	13,010 00
Court of Civil Appeals, Fifth District.....	12,910 00	12,910 00
Court of Civil Appeals, Sixth District.....	13,360 00	13,010 00
Judiciary	758,600 00	758,600 00
State Orphan Home.....	74,180 00	51,780 00
Confederate Home	90,228 00	80,728 00
Blind Institute	101,815 00	70,915 00
Deaf and Dumb Institute.....	124,905 00	95,240 00
Epileptic Colony	100,650 00	72,710 00
State Lunatic Asylum.....	291,570 00	226,470 00
Southwestern Insane Asylum.....	272,420 00	156,320 00
North Texas Hospital for the Insane.....	359,770 00	305,470 00
Deaf, Dumb and Blind Asylum (colored).....	25,470 00	23,470 00
Pensions	525,650 00	523,200 00
Public Debt	109,840 00	97,820 00
The State Institute for the Training of Juveniles...	94,400 00	57,800 00
State Penitentiaries	12,000 00	12,000 00
Miscellaneous	1,167,135 55	
Total	\$5,770,715 55	\$3,877,353 00
Total first year.....		\$5,770,715 55
Total second year.....		3,877,353 00
Grand total		\$9,648,068 55

SENATE JOURNAL

Resolved, That the Senate do hereby authorize the Secretary of the Senate to cause to be printed and bound in the Senate Journal the following resolutions, to wit:

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Senator Home in the chair.

POST-SESSION CLERICAL WORK.

Austin, Texas, May 11, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the Regular and First and Second Called Sessions of

the Thirty-first Legislature, and to retain and disburse such officers and employees as shall be retained after adjournment, and to specify their duties, number of days, pay, etc., beg leave to report, as follows:

That the volumes of the Senate Journal of the Regular Session, together with the Senate Journal of the First and Second Called Sessions of the Thirty-first Legislature, when completed, shall be printed and shall be bound in this day's copy, and that one volume when thus bound shall be forwarded by the Secretary of State to each member of the Senate and to each Representative, and the remainder shall be turned over by the Secretary of State. The printing of such Senate Journals in conformity with law shall be done in accordance with pre-existing law and with the provisions of this resolution under the supervision of the Journal Clerk of the Senate, and it is further provided, that the Journals heretofore provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last adjournment shall have been furnished to the printer. And it is further provided that the printer shall furnish daily to the Journal Clerk of the Senate for the purpose of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the printer, and it is further provided, that it shall be the duty of the Journal Clerk of the Senate not to receive or deliver for said Senate Journals until properly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the Regular Session, First Called Session and Second Called Session of the Thirty-first Legislature that are available; provided, that the chairman of the Committee on Contingent Expenses shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

We recommend that the Secretary, Clyde D. Smith, and Journal Clerk R. M. Gilmore each be retained for ninety days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of the

Senate, together with a complete and comprehensive index to same, and to deliver to the the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate. And that the Secretary and Journal Clerk shall perform their duties in conjunction with each other, and the Secretary shall, in addition to his other duties, assist the Journal Clerk.

3. That W. E. DeLamar, the Calendar Clerk, be retained eight days after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to the Secretary of the Senate.

4. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle and his clerk, C. E. Rugle, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of this Legislature; and that the Sergeant-at-Arms and his clerk, C. E. Rugle, be allowed four days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed two porters, Ellis Monroe and John Robinson, for four days to assist him, porters to be paid \$2 per day, and this is to be out of the appropriation of the per diem of members, officers, clerks and employes.

5. We recommend that the Engrossing Clerk, F. P. Smith, and Enrolling Clerk, M. P. Kelley, each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature and that each be retained four days after adjournment.

6. That each of the above and herein-after named officers and employes, except the porters, be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the Thirty-first Legislature.

7. That the postmistress, Mrs. Annie Shirley, be requested to make out a list of the Senators and employes of the Senate with their respective postoffice addresses and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment, and that she be paid for two days' time at \$5.00 per day.

8. That the expenditures under this resolution may be paid out of the contingent and per diem funds of the Regular, First and Second Called Sessions, or either of them, of the Thirty-first Legislature; that \$100, or so much thereof as may be necessary, should be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

9. Any former resolution providing for post-clerical work is hereby abrogated and this resolution is intended to be and shall be a full and complete provision for such post-clerical work for the Regular and First and Second Called Sessions of the Senate of the Thirty-first Legislature.

COFER,
GREER,
MEACHUM,
HOLSEY.

The above resolution was read and adopted.

PRESIDENT PRO TEM.—ELECTION OF.

Here Senator Hudspeth stated that, under the Constitution, the Senate should elect a President Pro Tem. of the Senate for the ensuing term.

Therefore, Senator Hudspeth placed in nomination for that place Senator A. J. Harper of Limestone county.

The nomination was seconded by Senators Peeler, Meachum, Willacy and Murray.

There being no other nominations, the Chair declared nominations closed.

Senators Willacy, Hayter and Holsey were appointed as tellers.

Senator Harper received 22 votes, all the votes cast, and was declared duly and constitutionally elected.

Senators Hudspeth, Meachum and Peeler were appointed to escort Senator

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House substitute for Senate bill No. 4.

Also adopted the Free Conference Committee report on House bill No. 18.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

(President Pro Tem. Murray in the chair.)

HOUSE BILL NO. 38.

Senator Cofer called up House bill No. 38, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was lost by the following vote:

Yeas—18.

Adams.	Meachum.
Alexander.	Murray.
Cofer.	Peeler.
Harper.	Perkins.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Masterson.	Weinert.

Nays—6.

Brachfield.	Mayfield.
Greer.	Paulus.
Kellie.	Watson.

Absent.

Bryan.	Thomas.
Real.	Veale.
Sturgeon.	Willacy.
Terrell of McLennan.	

(Senator Hume in the chair.)

POST-SESSION CLERICAL WORK.

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the Regular and First and Second Called Sessions of

the Thirty-first Legislature, and to report and recommend such officers and employes as shall be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report, as follows:

1. That 250 volumes of the Senate Journal of the Regular Session, together with the Senate Journal of the First and Second Called Sessions of the Thirty-first Legislature, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound shall be forwarded by the Secretary of State to each member of the Senate and to each Representative, and the remainder shall be turned over to the Secretary of State. The printing of such Senate Journals in permanent form shall be done in accordance with pre-existing law and with the provisions of this resolution under the supervision of the Journal Clerk of the Senate; and it is further provided, that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the Senate for the purposes of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided, that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Senate Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the Regular Session, First Called Session and Second Called Session of the Thirty-first Legislature that are available; provided, that the chairman of the Committee on Contingent Expenses shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. We recommend that the Secretary, Clyde D. Smith, and Journal Clerk R. M. Gilmore each be retained for ninety days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of the

Senate, together with a complete and comprehensive index to same, and to deliver to the the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate. And that the Secretary and Journal Clerk shall perform their duties in conjunction with each other, and the Secretary shall, in addition to his other duties, assist the Journal Clerk.

3. That W. E. DeLamar, the Calendar Clerk, be retained eight days after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to the Secretary of the Senate.

4. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle and his clerk, C. E. Rugle, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of this Legislature; and that the Sergeant-at-Arms and his clerk, C. E. Rugle, be allowed four days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed two porters, Ellis Monroe and John Robinson, for four days to assist him, porters to be paid \$2 per day, and this is to be out of the appropriation of the per diem of members, officers, clerks and employees.

5. We recommend that the Engrossing Clerk, F. P. Smith, and Enrolling Clerk, M. P. Kelley, each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature and that each be retained four days after adjournment.

6. That each of the above and herein-after named officers and employees, except the porters, be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the Thirty-first Legislature.

7. That the postmistress, Mrs. Annie Shirley, be requested to make out a list of the Senators and employees of the Senate with their respective postoffice addresses and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment, and that she be paid for two days' time at \$5.00 per day.

8. That the expenditures under this resolution may be paid out of the contingent and per diem funds of the Regular, First and Second Called Sessions, or either of them, of the Thirty-first Legislature; that \$100, or so much thereof as may be necessary, should be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

9. Any former resolution providing for post-clerical work is hereby abrogated and this resolution is intended to be and shall be a full and complete provision for such post-clerical work for the Regular and First and Second Called Sessions of the Senate of the Thirty-first Legislature.

COFER,
GREER,
MEACHUM,
HOLSEY.

The above resolution was read and adopted.

PRESIDENT PRO TEM.—ELECTION OF.

Here Senator Hudspeth stated that, under the Constitution, the Senate should elect a President Pro Tem. of the Senate for the ensuing term.

Therefore, Senator Hudspeth placed in nomination for that place Senator A. J. Harper of Limestone county.

The nomination was seconded by Senators Peeler, Meachum, Willacy and Murray.

There being no other nominations, the Chair declared nominations closed.

Senators Willacy, Hayter and Holsey were appointed as tellers.

Senator Harper received 22 votes, all the votes cast, and was declared duly and constitutionally elected.

Senators Hudspeth, Meachum and Peeler were appointed to escort Senator

Harper to the Chair, whereupon the constitutional oath of office was administered him by Lieutenant Governor Davidson.

Senator Harper then addressed the Senators and thanked them for the honor so conferred on him.

(President Pro Tem. Harper in the chair.)

HOUSE CONCURRENT RESOLUTION NO. 4.

Senator Mayfield called up House Concurrent Resolution No. 4, and moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion was adopted by the following vote:

Yeas—21.

Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Ward.
Hudspeth.	Weinert.
Hume.	Willacy.
Masterson.	

Absent.

Adams.	Sturgeon.
Kellie.	Terrell of McLennan.
Paulus.	Thomas.
Perkins.	Veale.
Senter.	Watson.

The Chair laid before the Senate, House Concurrent Resolution No. 4, relating to gambling in agricultural products.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was then read and adopted.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, May 11, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

B. L. Gill, George A. Kelley, J. D. Porter, George T. Spears, all of Kaufman county, and John E. Owens of Van Zandt county, to be members of the board of managers of the North Texas Lunatic Asylum.

T. M. CAMPBELL,
Governor of Texas.

Senator Holsey moved that the Senate go into executive session at once for the purpose of considering the above appointments.

The motion was unanimously adopted by the following vote:

Yeas—22.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Paulus.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.

Present—Not Voting.

Mayfield.	Murray.
Meachum.	

Absent.

Peeler.	Terrell of McLennan.
Perkins.	Thomas.
Sturgeon.	Veale.

IN EXECUTIVE SESSION.

In accordance with the above motion, the Senate went into executive session.

In executive session the following confirmations were made:

To be members of the board of managers of the North Texas Insane Asylum: B. L. Gill, J. D. Porter, George T. Spears and John E. Owens.

IN THE SENATE.

(Lieutenant Governor Davidson in the chair.)

RECESS.

On motion of Senator Hume, the Senate recessed until 8 o'clock tonight.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Harper.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Stokes:

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committees of the Senate and House, appointed to adjust the difference between the Senate and the House on House bill No. 5, beg leave to make the following report:

1. We recommend that the Senate recede from its amendments to said bill, adding Sections 4 and 5 thereto.

2. We recommend that the Senate and the House adopt the following amendment to said bill to be inserted as Section 4 and that Sections 4 and 5 of the bill be renumbered as Sections 5 and 6:

Amend the bill by adding thereto a new section to be numbered Section 4, and to read as follows, the other sections of the bill to be numbered accordingly:

"Section 4. When said railroad shall be completed to the town of Palestine, it shall be the duty of the Penitentiary Board to endeavor to make a sale of the same whenever said sale can be made without detriment to the interest of the State and the several industries operated as a part of the penitentiary system. Said board shall be authorized, at its discretion, to make application to the Railroad Commission of the State of Texas to value said railroad property, together with all of its equipments, rolling stock, right of way, depot buildings and all appurtenances of whatsoever kind and character, and in no event shall said road be sold for less than such valuation fixed upon the same by said Railroad Commission. In the event that said railroad shall be sold, as herein provided for, the proceeds of such sale shall be applied as follows:

"1. To the repayment of the permanent school fund of the amount used out of the appropriation herein named, made for the construction of said railroad and for the taking up of the bonds issued therefor under the provisions of this act.

"2. The remainder of the proceeds of the sale of such railroad shall be deposited in the State Treasury and be credited to the Penitentiary Board, to be applied to the betterment and enlargement of the iron industry and other

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On the part of the House.
The above report was read and adopted.
(Senator Hudspeth in the chair.)

SIMPLE RESOLUTION.

By Senator Hayter:

Resolved, That 1500 copies of Senate bill No. 4, known as the bank guaranty bill, be printed, and 1000 copies delivered to the Bank Commissioner and the balance distributed by the Secretary of the Senate to members of the House and Senate, the cost including \$15 postage and copying bill, be paid out of the contingent fund of the Senate.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Alexander:

Whereas, The Hon. A. B. Davidson, Lieutenant Governor of Texas, has ever been honest, courteous and impartial in the discharge of his public duties; and

Whereas, His every thought and effort while in the public service has been with an eye single to the best interests of this great commonwealth; and

Whereas, We are now about to separate and leave for our several homes, though, in heart, we shall still remain united; therefore, be it

Resolved, That we extend our thanks to our able presiding officer for his uniform courtesies extended and assure him of our full confidence and esteem, and that we wish for him that prosperity and and happiness, the rightful reward of service ably, conscientiously and fearlessly performed.

Signed—Willacy, Harper, Terrell of Bowie, Watson, Hudspeth, Masterson, Perkins, Kellie, Weinert, Greer, Paulus, Cofer, Holsey, Bryan.

The resolution was read and adopted by a rising vote.

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vi The Chair (Lieutenant Governor Davidson) appointed the following committee, under an act passed at the Regular Session of the Thirty-first Legislature of Texas, authorizing the Speaker of the House of Representatives to appoint five members of the House and the President to appoint four members of the Senate for the purpose of investigating the management of the penitentiary system of this State, and to make due report thereon as in said act provided, to wit: Senators Weinert, Hudspeth, Paulus and Greer.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on House bill No. 5.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

By Senator Paulus:

Whereas, The Hon. John G. Willacy, the Senator from Nueces, and chairman of the Committee on Finance, by his ability and past experience in that work during this session has by his untiring efforts prepared an appropriation bill which was most acceptable to this body, and thus relieved the rest of us of much labor and responsibility; therefore, be it

Resolved, That the special thanks of this body are due him and are hereby extended to him for this valuable service so rendered.

WEINERT,
PAULUS.

The resolution was read and adopted by a rising vote.

NOTIFICATION COMMITTEES.

Here a committee of three members of the House appeared at the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

On motion of Senator Hayter, the following special committees were appointed:

To notify the Governor that the Senate had completed its labors and was ready to adjourn: Senators Hayter, Holsey, Terrell of Bowie.

Like committee to notify the House: Senators Kellie, Real, Weinert.

Both committees immediately performed their duties and reported.

(Lieutenant Governor Davidson in the chair.)

SIMPLE RESOLUTION.

By Senator Watson:

Resolved, That the thanks of the Senate be extended to the Senator from Kerr, the Hon. J. Real, the only Republican member of this body, for being mild and docile, and not at all obstreperous during the past session, this not being at all in line with the policy of his party.

The resolution was read and adopted.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 18, "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Senate bill No. 42, "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 35, "An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the

State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature and by Chapter 106 of the General Laws of the Twenty-ninth Legislature, and declaring an emergency."

Senate bill No. 12, "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof; prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller, and declaring an emergency."

Senate bill No. 4, "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

House bill No. 18, "An Act making appropriations for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes,

and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State Government for the year ending August 31, 1909, and to pay various miscellaneous claims against the State, and declaring an emergency."

House bill No. 32, "An Act to appropriate the sum of \$100,000, or so much thereof as may be necessary, from the general revenues of the State, to be used in operating the iron industry at the State penitentiary at Rusk, Texas; providing that such money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of same by the State Treasurer, and declaring an emergency."

House bill No. 52, "An Act to amend Articles 3923, 3924, 3926a and 3926b, and to repeal Article 3924a of Chapter 8, Title 86 of the Revised Statutes of 1895; providing a system of apportioning, distributing and accounting of the available school fund of the State, county, city and school districts; providing procedure; prescribing duties of Superintendent of Public Instruction, Comptroller and treasurers of school funds."

House bill No. 53, "An Act providing for the election, qualification, bond and duties of the State Treasurer, and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties, requiring the chief clerk to give bond; providing methods for the receiving and handling of all bonds, funds, warrants and other claims; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 48, "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts, and declaring an emergency."

House bill No. 76, "An Act to amend Section 126 of Chapter 11 of the General

Laws of Texas, First Called Session of the Twenty-ninth Legislature of 1905, entitled 'An Act to regulate elections, general, special and primary, and political conventions, approved April 1, 1903,' and also to amend Section 141 of said Chapter 11 as passed at the First Called Session of the Twenty-ninth Legislature and as amended by the Thirtieth Legislature, approved April 30, 1907, relative to contests in primary elections."

House bill No. 30, "An Act to provide for refunding a portion of the public debt and the retirement of certain bonds of the State of Texas, a part thereof maturing on the first day of July, 1909, and a part maturing September 1, 1910; providing for the execution of new bonds in lieu thereof at a lower rate of interest, the manner of exchange and sale of said bonds, and declaring an emergency."

House bill No. 5, "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

SINE DIE ADJOURNMENT.

There being no further business before the Senate, and the notification committees having made their reports, the Chaplain of the Senate, Rev. H. M. Sears, invoked divine blessings, after which the Chair (Lieutenant Governor Davidson) announced that the hour for sine die adjournment had arrived, and, in accordance with the constitutional provisions governing special sessions,

pronounced the Second Called Session of the Thirty-first Legislature adjourned without day.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 20, A bill to be entitled "An Act to amend Articles 3923, 3924, 3926a and 3926b, and repeal Article 3924a of Chapter 8, Title 86 of the Revised Statutes," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that House bill No. 52 do pass.

STOKES, Acting Chairman.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 60, A bill to be entitled "An Act to repeal Article 762, Chapter 6, Title 8 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4 of an act passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to define and regulate the practice of professional nursing; to create a Board of Nurse Examiners for the examination and licensing of nurses, and to prescribe their qualifications; to provide for their proper registration and for the revocation of certificates, and to fix suitable penalties for the violation of this act, and declaring an emergency,' which said

act was known as Senate bill No. 111; and to provide that all nurses who are engaged in nursing at the time of the passage of this act and who shall show to the satisfaction of said board that they are of good moral character and were graduated prior to April 1, 1909, from a training school connected with a general hospital or sanitarium giving two years' general training, or prior to the year 1901, having eighteen months general training and who maintain in other respects proper standards, shall be entitled to registration without examination, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 47, A bill to be entitled "An Act to amend Chapter 144 of Section 9 of an act passed by the Thirtieth Legislature, relating to the protection of wild game within the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 23, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the State Treasurer and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, and prescribing his duties; providing methods for the receiving and handling of all funds, warrants and other claims,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that House bill No. 51 pass in lieu thereof.

STOKES, Acting Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 45, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895 in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

WARD,
PEELER.

(Majority Report.)

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 45, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895 in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of

the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

MEACHUM, Chairman.

Following is the bill in full:

H. B. No. 45. By Terrell of Bexar.

A BILL

To Be Entitled

An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2439 of Chapter 1 of Title 45 of the Revised Statutes of the State of Texas of 1895, as amended by Chapter 91, Acts of the Twenty-ninth Legislature of the State of Texas, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, and as amended by the First Called Session of the Thirty-first Legislature, be amended so as to hereafter read as follows:

"Article 2439. The Secretary of State, besides other fees that may be prescribed by law, is authorized and required to charge for the use of the State the following fees:

"For each and every charter, amendment or supplement thereto, of a private corporation, created for the purpose of operating or constructing a railroad, magnetic telegraph line or street railway or express company authorized or required to be recorded in said department, a fee of \$200 to be paid when said charter is filed; provided, that if the authorized capital stock of said corporation shall exceed \$100,000 it shall be required to pay an additional fee of 50 cents on each \$1000 authorized capital stock or fractional part thereof, after the first; for each and every charter, amendment or supplement thereto of a private corporation intended for the support of public worship and benevolence, charitable, educational, missionary, literary or scientific undertaking, the maintenance of a library, for the promotion of painting, music or other fine arts, the encouragement of horticulture or agriculture, the maintenance of public parks, the maintenance of a public cemetery not for profit, a fee of \$10 to be paid when the charter is filed. For each and every charter, amendment or supplement thereto of a private corporation created for any other purpose, intended for mutual profit or benefit, a fee of \$50 shall be paid when said charter is filed; provided, that if the authorized capital stock of said corporation shall exceed \$10,000, it shall be required to pay an additional fee of \$10 for each additional \$10,000 of its authorized capital stock, or fractional part thereof, after the first. For each commission to every office, elected or appointed in this State, a fee of \$1.00; each and every State, district, county and precinct officer, elected or appointed in this State is required to apply for and receive his commission; provided, that the Secretary of State shall not be required to forward

copies of laws to nor attest the authority of any officer in this State who fails or refuses to take out his commission as required herein. For each official certificate a fee of \$1.00. For each warrant of requisition a fee of \$2.00. For every remission of fine or forfeiture \$1.00. For copies of any paper, document or record in his office, for each 100 words, 15 cents. For each and every charter, amendment or supplement thereto, taken out under Chapter 14, Title 21, Revised Statutes of 1895 (channel and dock corporation) a fee of \$200 shall be paid to the Secretary of State for the use and benefit of the State, which shall be paid when the charter, amendment or supplement thereto is filed for record. For each foreign corporation obtaining permit to do business in this State shall pay fees, as follows: Fifty dollars (\$50) for the first ten thousand dollars (\$10,000) of its authorized capital stock, and ten dollars (\$10) for each additional ten thousand dollars (\$10,000) or fractional part thereof; provided, that the fee required to be paid by any foreign corporation for a permit to engage in the manufacture, sale, rental, lease or operation of all kinds of cars, or to engage in conducting, operating or managing any telegraph lines in this State, shall in no event exceed ten thousand dollars (\$10,000); provided, however, that mutual building and loan companies, so called, whose stock is not permanent but withdrawable, shall pay a fee of fifty dollars (\$50) for the first one hundred thousand dollars (\$100,000) or a fractional part thereof, of its authorized capital stock, and ten dollars (\$10) for each additional one hundred thousand dollars (\$100,000), or a fractional part thereof; and where the company is a foreign one, then the fee shall be based upon the capital invested in the State of Texas; and it shall be the duty of the Secretary of State to require satisfactory proof as to the amount of capital actually invested in this State before issuing any permit to any foreign building and loan company to do business in this State; provided, that the minimum fee for any foreign building and loan company shall be two hundred and fifty dollars (\$250); provided, further, that the fee required to be paid by any foreign corporation other than a foreign mutual building and loan association for a permit to do business of loaning money in this State shall be fifty dollars (\$50) on the first one hundred thousand dollars (\$100,000) of its authorized capital stock, and \$25 on each additional \$100,000 thereof;

provided further, that nothing in this act shall in anywise affect any suit now pending in the name or in behalf of the State of Texas against any foreign corporation.

"All fees mentioned in this article shall be paid in advance into the office of the Secretary of State, and shall be by him paid into the State Treasury monthly; provided, as a condition precedent to the issuance by the Secretary of State of a permit to any foreign corporation authorizing it to do business in this State, the president, vice president, secretary or treasurer, or two of the directors of such corporation, shall make and subscribe an affidavit in writing stating that such corporation is not a trust or organization in restraint of trade in violation of the laws of this State, has not, within twelve months next preceding the making of such affidavit become or been a party to any trust agreement of any kind or character whatsoever, which would constitute a violation of any anti-trust law of the State existing at the date of such affidavit, and has not within that time entered into or been in anywise a party to any combination in restraint of trade within the United States of America, and that no officer of such corporation has, within the knowledge of affiant, within twelve months next preceding the date of such affidavit, made on behalf of such corporation or for its benefit any such contract or entered into or become a party to any such combination in restraint of trade. Such affidavit in writing shall be personally subscribed and sworn to by such affiant or affiants before some officer who is by law duly authorized to administer oaths and the jurat of such officer shall be attested by his official signature and seal of office, and such affidavit in writing so attested shall be filed in the office of the Secretary of State before the issuance of any such permit."

Sec. 2. The fact that the present permit fee prescribed by law for the issuance of permits to foreign building and loan companies and foreign companies engaged in the manufacture, sale, rental, lease or operation of all kinds of cars, or engaged in conducting, operating or managing any telegraph lines in this State is excessive and burdensome and that the permits of such companies now doing business in this State expire in the immediate future, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in both houses be sus-

pending, and that this act take effect from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 55, A bill to be entitled "An Act providing for the election qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas, and of his employes, providing for a complete system of accounting, bookkeeping and auditing for said department with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and in making reports and claims; providing for the appointment of a chief clerk and prescribing his duties; providing for filling vacancies in the office of Comptroller; repealing Articles 2830, 2833, 2837, 2840, 2841 and 2842 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comptroller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Stokes, Cofer, Hume, Bryan, Perkins, Ward.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

House bill No. 72, A bill to be entitled "An Act to amend Section 114 and Section 120 of Chapter 11 of the Acts of the First Called Session of the Twentieth Legislature, as amended by Chapter 177 of the Acts of the Thirtieth Legislature of 1907, relating to elections, manner of holding, and prescribing the duties of the district chairman and executive committees of the various districts, and prescribing mode of canvassing the returns and declaring the results in districts composed of only one county, and repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed:

By striking out all of Section 2 of the bill, and amend the caption by striking out the words "and Section 120."

Perkins, Acting Chairman; Terrell of McLennan, Adams, Ward.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 30, A bill to be entitled "An Act to provide for refunding a portion of the public debt and the retirement of certain bonds of the State of Texas, maturing September 1, 1910; providing for the execution of new bonds in lieu thereof at a lower rate of interest, the manner of exchange and sale of said bonds, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Stokes, Alexander Ward, Cofer, Bryan.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred House Concurrent Resolution No. 4, as follows:

Whereas, It is generally believed by the agricultural masses of this country that speculating in farm products, and especially in wheat and cotton, the products that feed and clothe the people, is detrimental to the best interest of all the people; and

Whereas, It has become necessary for many of the States of the Union to pass laws restricting or prohibiting the dealing in futures for the protection of the products of the farm; and

Whereas, The frequent occurrence of fluctuations in the prices of agricultural products caused by gambling on the cotton exchanges and boards of trade by such men as Patton and his colleagues in the wheat market, and others equally as notorious in the cotton market, is known to be against the best interest of the producers and consumers of this country; therefore, be it

Resolved by the House of Representatives of the Thirty-first Legislature, the Senate concurring, That we request our Senators and Representatives in Congress to use all honorable means within their power to secure the passage of such laws by Congress as will be beneficial to legitimate trading, but will forever prohibit gambling in agricultural products or any deals where a bona fide transaction or delivery was never intended, and by which a few men rake off a few million dollars of the people's money,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Kellie, Paulus, Holsey, Perkins, Cofer.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

House bill No. 38, A bill to be entitled "An Act to amend Article 642, Title 21 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150, Acts of the Thirtieth Legislature, by adding to the said Article 642 a new subdivision to be known as 'Subdivision 72,' providing that public corporations may be formed for the purpose of constructing, erecting and repairing buildings and structures of any and all kinds.

"Subdivision 73, providing for the incorporation of corporations for the transportation of passengers, or baggage, or of passengers and baggage by means of wagons, wagonettes, omnibuses, cabs, carriages, automobiles and taxicabs or any of them or by means of other similar vehicles.

"Subdivision 74, providing that private corporations may be formed for the purpose of constructing and carrying on a general advertising and bill posting service, and to manufacture, purchase, and sell such goods, wares, merchandise, utensils and implements necessary to be purchased and used in such business, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back

to the Senate with the recommendation that it do pass, and be not printed.

Masterson, Perkins, Holsey, Terrell of McLennan, Senter, Bryan, Hume, Murray.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 12, and find it correctly enrolled, and have this day, at 9:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 177 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 4, 8 and 10 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled "An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses

and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof," be and the same are hereby amended so as to hereafter read as follows, and that Section 9 of the same chapter be and the same is hereby repealed.

Sec. 2. That Section 4 shall hereafter read as follows:

"Section 4. Said Commissioner, at the close of each calendar month, shall file with the Comptroller a report in writing and detail stating the service performed by him during the last preceding month, including a detailed statement of the suits commenced at his instance, and the disposition made of same, all fines, licenses and other fees collected, their disposition, and shall pay over to the State Treasurer all moneys so received to be credited to the special fund herein provided for, and any other particulars he may deem proper. All fines collected from persons in the county or district courts of this State, charged for a violation of the game and bird laws of this State, shall, within thirty days from date of the collection of such fines or penalties, be forwarded by the court, or the Deputy Game Commissioner, to the State Game, Fish and Oyster Commissioner, who shall deposit same in the State Treasury, and same shall be credited to the special fund of the Game, Fish and Oyster fund for the payment of salaries and expenses of deputies appointed under the provisions of this act."

Sec. 3. That Section 8 shall hereafter read as follows:

"Section 8. It shall hereafter be unlawful for any person who has not been a bona fide inhabitant of this State for six months last past to hunt for or kill any game or birds protected by the laws of this State without first procuring a hunting license from the Game, Fish and Oyster Commissioner, permitting him to do so, and by paying to said Commissioner the sum of \$15. Said license shall be dated when issued and shall remain in force until the first day of September, following thereafter. It shall hereafter be unlawful for any person to hunt or kill any game, quadrupeds or game birds or wild fowl protected by the game laws of this State, excepting the county of his residence,

or in the counties adjoining the county of his residence, or on land owned or controlled by him, without first obtaining a State hunting license from the Game, Fish and Oyster Commissioner, permitting him to do so. Any person who has been a bona fide resident of this State for six months last past may procure a hunting license to hunt outside the boundaries of the county in which he resides, by paying a license fee of \$1.75 to the county clerk of the county in which he resides, to be dated when issued, such license shall expire the first day of September of each year following such date, said license shall authorize the person named therein to use firearms in the hunting or killing game birds during the hunting season of that year, but only in the manner and time prescribed by law. Said license shall limit the number and quality of game which may be taken or killed, in accordance with the provisions of law governing the subject.

"Any person found hunting in open season any game protected by the laws of the State, and who shall refuse to show his license herein provided for to any sheriff, deputy sheriff, constable, game commissioner or deputy game commissioner, or any other person or persons on whose lands said person or persons are found hunting, or to any person who has the land under their control, on demand, shall be deemed guilty of a violation of the provisions of this act and upon conviction shall be liable to the penalties provided herein."

Sec. 4. That Section 10 shall hereafter read as follows:

"Section 10. It shall be the duty of the Chief Deputy Game, Fish and Oyster Commissioner to prepare and furnish to each county clerk blank hunting licenses with stubs attached numbered serially.

"Said chief deputy shall open an account with each county clerk and charge him with the number of licenses furnished said clerk, said account shall show the serial number of such licenses.

"The county clerk of each county in this State is hereby authorized to issue local hunting licenses under his official seal to all persons complying with the provisions of this act, and shall fill out correctly and preserve the stubs attached thereto. The county clerk shall keep a complete and correct record of hunting licenses issued, showing the name and place of residence of each licensee and the serial number and date of the license so issued, in a book to be furnished by the Game, Fish and Oyster Com-

missioner, which record shall be kept in his office and be open to the inspection of the public at all times during office hours.

"Said books and license stubs and unused licenses shall always be open to inspection of the Game, Fish and Oyster Commissioner or his deputies.

"The county clerk shall, within ten days of the close of each calendar month, make out a detailed report in duplicate under the seal of his office, showing the serial number and date of each license issued and the name and residence of the person to whom issued; he shall forward one copy, with remittance of the fees collected, to the Game, Fish and Oyster Commissioner at Austin, less 25 cents for each license issued, which he may retain as his fee. The duplicate copy of the report shall be forthwith forwarded to the Comptroller who shall charge the Game, Fish and Oyster Commissioner with the amount so shown to be remitted; upon the receipt of such report and remittance, the Game, Fish and Oyster Commissioner shall deposit same in the State Treasury to the credit of the special fund provided in this act, and the Comptroller shall credit said Commissioner with the amount of the deposits made.

"It shall be the duty of the Game, Fish and Oyster Commissioner to keep in his office, in the Capitol of this State, well bound books in which he shall keep a complete list of the licenses issued, fines collected and a statement of all prosecutions instituted for violations of the Game, Fish and Oyster laws, and the result of the same. Said records shall be kept open for the inspection of the Comptroller and the public."

Sec. 5. Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, be and the same is hereby repealed.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 7, and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act transferring to the general revenue of the State all money now

to the credit of the pure feed fund, except so much of the pure food fund as may have accrued since the 12th day of July, 1907, and providing that all revenue hereafter paid into the State Treasury to the credit of either of said accounts, except so much of the pure feed fund as shall accrue prior to July 12, 1909, shall forthwith be transferred to and become a part of the general revenue of the State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all money or moneys now to the credit of the pure feed fund, is hereby transferred to and made a part of the general revenue of the State of Texas, except so much of the pure feed fund as may have accrued since the 12th day of July, 1907, and the State Treasurer is hereby authorized and directed to pay over to the Treasurer of the Agricultural and Mechanical College of Texas so much of said fund as may have accrued since July 12, 1907, and now held by the State Treasurer to the credit of said fund, and it is hereby made the duty of the State Treasurer to transfer said fund as provided herein.

All revenue hereafter paid into the State Treasury to the credit of either or all of said accounts shall be forthwith transferred to the general revenue by the State Treasurer, except so much of the pure feed fund as shall accrue prior to July 12, 1909, which, if any, shall be paid into the State Treasury, shall be paid over to the treasurer of the Agricultural and Mechanical College.

Sec. 2. The fact that large sums of money have accrued to the credit of two of the above funds which is unavailable for general appropriation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 28, and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any life insurance company now incorporated, or which may hereafter be incorporated under the laws of this State, may deposit with the Commissioner of Insurance and Banking of the State of Texas, for the common benefit of all the holders of its policies and annuity bonds, securities of the kinds in which by the laws of this State it is permitted to invest or loan its funds, equal to the legal reserve on all its outstanding policies in force, which securities shall be held by said Commissioner in trust for the purpose and objects herein specified. Any such company may deposit lawful money of the United States in lieu of the securities above referred to, or any portion thereof, and may also, for the purpose of such deposit convey to said Commissioner in trust the real estate in which any portion of its said reserve may be lawfully invested, and in such case said Commissioner shall hold the title thereto in trust until other securities in lieu thereof shall be deposited with him, whereupon he shall reconvey the same to such company. Said Commissioner may cause any such securities or real estate to be appraised and valued prior to their being deposited with or conveyed to him in trust as aforesaid; the reasonable expense of such appraisal or valuation to be paid by the company.

Sec. 2. After making the deposit mentioned above, no company shall thereafter issue a policy of insurance or endowment or annuity bond, except policies of industrial insurance, unless it shall have upon its face a certificate substantially in the following words: "This policy is registered, and approved securities equal in value to the legal

reserve hereon are held in trust by the Commissioner of Insurance and Banking of the State of Texas." Which certificate shall be signed by such Commissioner and sealed with the seal of his office.

All policies and bonds of each kind and class issued, and the forms thereof filed in the office of said Commissioner, shall have printed thereon some appropriate designating letter or figure, combination of letters or figures on terms identifying the particular form of contract, together with the year of adoption of such form, and whenever any change or modification is made in the form of contracts, policy or bond, the designating letters, figures, or terms and year of adoption thereon shall be correspondingly changed.

The Commissioner of Insurance and Banking shall prepare and keep such registers thereof as will enable him to complete their value at any time, upon written proof attested by the president or vice president and secretary of the company which shall have issued such policies or annuity bonds, that any of them have been committed or terminated, the Commissioner shall commute or cancel them upon his register, and until such proof is furnished all registered contracts shall be considered in force for the purposes of this act. The net value of every policy or annuity bond according to the standard prescribed by the laws of this State for the valuation of policies of life insurance companies, when the first premiums shall have been paid thereon, less the amount of such liens as the company may have against it (not exceeding such value), shall be entered opposite the record of said policy or annuity bond in the register aforesaid at the time such record is made. On the first day of January of each year, or within sixty days thereafter, the Commissioner shall cause the policies and annuity bonds of each company accepting the terms of this act to be carefully valued and the actual value thereof at the time fixed for such valuation, less such liens as the company may have against it, not exceeding such value, shall be entered upon the register opposite the record of such policy or bond, and the Commissioner shall furnish a certificate of the aggregate of such value to the company.

It shall be the duty of the Commissioner to cancel mutilated or surrendered policies and annuity bonds issued by any

such company and register other like policies or bonds issued in lieu thereof.

Each company which shall have made the deposit herein provided for shall make additional deposits from time to time, in amounts not less than \$5000, and of such securities as are permitted by this act to be deposited so that the market value of the securities deposited shall always be equal to the net value of the policies and annuity bonds issued by said company, less such liens as the company may have against them, not exceeding such net value. So long as any company shall maintain its deposits as herein prescribed at an amount equal to or in excess of the net value of its policies and annuity bonds as aforesaid, it shall be the duty of said Commissioner to sign and affix his seal to the certificates before mentioned on every policy and annuity bond presented to him for that purpose by any company so depositing.

The Commissioner shall keep a careful record of the securities deposited by each company, showing by item the amount and market value thereof. If at any time it shall appear therefrom that the value of the securities held on deposit is less than the actual value of the policies and annuity bonds issued by such company and then in force, it shall be unlawful for the Commissioner to execute the certificate on any additional policies or annuity bonds of such company until it shall have made good the deficit.

Any company depositing under the provisions of this act, may increase its deposits at any time by making additional deposits of not less than \$5000 of such securities as are authorized by this act. Any such company whose deposits exceed the net value of all policies and annuity bonds it has in force, less such liens (not exceeding such net value) as the company may hold against them, may withdraw such excess, and it may withdraw any of such securities at any time by depositing others of equal value and of the character authorized by this act in their stead, and it may collect the interest, coupons, rents and other income on the securities deposited as the same accrue.

The securities deposited under this act by each company shall be placed and kept by the Commissioner of Insurance and Banking of the State in some secure, safe, deposit fireproof box or vault in the city or town in or near which the home office of the company is located, and the officers of the company shall have access

to such securities for the purpose of detaching interest coupons and crediting payment and exchanging securities as above provided, under such reasonable rules and regulations as the Commissioner may establish.

Sec. 3. Every company making deposit under the provisions of this act shall pay to the Commissioner of Insurance and Banking for each certificate placed on registered policies or annuity bonds issued by the company after the original or first deposit is made hereunder, a fee of 25 cents, and the fee so received shall be disposed of by said Commissioner as follows:

1. The payment of the annual rent or hire of the safety deposit fireproof box above provided.

2. Payment for the services of a competent and reliable representative of said Commissioner, to be appointed by him, who shall have direct charge of the securities and safety box containing same, and through whom and under whose supervision the insurance company may have access to its securities for the purposes above provided. The sum paid such representative shall not exceed \$60 per annum for each company.

3. The balance of such fees shall be paid to or deposited with the State Treasurer to the credit of the general fund.

Sec. 4. Any life insurance company organized under the laws of this State and the making the deposit provided for by this act, may include as a part thereof securities representing its capital stock, and any deposits of its securities heretofore or hereafter made in compliance with the laws of this State representing its capital stock, and shall only be required to deposit in addition thereto the remainder of its total reserve on outstanding policies and annuity bonds after deducting therefrom the amount of its capital stock securities so deposited.

Sec. 5. Deposits of securities made hereunder to the value of the reserve on all outstanding policies and annuity bonds shall be added to and maintained from time to time as the reserve values increase, by the company issuing such contracts, or by any company which may reinsure or assume them, and such securities shall be held by the Commissioner of Insurance and Banking, and his successors in office in trust for the benefit of such policies and annuity bonds so long as the same shall remain in force. No company making the de-

posit provided for herein shall reinsure its outstanding business, or the whole of any one or more of its risks, except in or with a company or companies incorporated and organized under the laws of this State, or a company having permission to do business in this State.

Sec. 6. If any life insurance company doing business under the laws of this State has written or assumed risks that are substandard or extra hazardous and has charged therefor more than its published rates of premium the Commissioner of Insurance and Banking shall, in valuing such policies compute and charge such extra reserves thereon as is warranted by reason of the extra hazard assumed and the extra premium charged.

Sec. 7. No life insurance company transacting business in this State shall pay or contract to pay, directly or indirectly, to its president, vice president, secretary, treasurer, actuary, medical director, or other physician charged with the duty of examining risks or applications for insurance, or to any officer of the company other than an agent or solicitor, any commission or other compensation contingent upon the writing or procuring of any policy of insurance in such company or procuring an application therefor, by any person whomsoever, or contingent upon the payment of any renewal premium, or upon the assumption of any life insurance risk by such company, and should any company violate the provisions of this section, it shall be the duty of the Commissioner of Insurance and Banking to revoke its certificate of authority to transact business in this State.

Sec. 8. The provisions of this act shall likewise apply to and govern "co-operative" life insurance companies organized under the laws of this State.

Sec. 9. The fact that there is now no law in this State authorizing life insurance companies to afford their policy holders the protection provided by this act, constitutes an emergency and an imperative public necessity demanding that the constitutional rule requiring all bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 18, and find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any two or more surety companies authorized to transact business in this State, or their agents therein, may form an association for the purpose of reducing losses, gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship; provided, that no such association shall be formed except upon condition that it shall, through its proper officers, immediately submit to the Commissioner of Insurance and Banking of this State a schedule of the rates so ascertained and proposed to be established and maintained by such companies; if such Commissioner shall, upon considering such schedule of rates, find that the same are not unreasonable or excessive and do not exceed the rates that are now or may hereafter be established by law for any class of suretyship, and that such rates do not exceed the rates charged by any such surety company anywhere outside of the State of Texas for the same class of risks or risks of substantially the same degree of hazard, he shall approve the same; if he shall disapprove such schedule of rates, or any portion thereof, it shall be his duty to fix a schedule of rates which will not be unreasonable or excessive or exceed the rates that are now or may hereafter be established by law for any class of suretyship, and that shall not exceed the rate charged by any such companies outside of the State of Texas for the same

class of risks or risks substantially the same degree of hazard. All such rates so ascertained and made, when approved by the Commissioner, or when fixed by him as provided in this section, shall thereafter be maintained by all such companies and their agents; provided, that any such action of the Commissioner of Insurance and Banking shall be subject to review by any court of competent jurisdiction at the suit of any party affected thereby. Any such association, complying with the provisions of this section, may also adopt means to prevent discrimination and rebates on the part of any company represented therein and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, guardians, executors, administrators and other fiduciaries of whatsoever kind, and of others for whom surety companies may become sureties.

Sec. 2. No such surety company shall make or permit any discriminations or favoritism between those of the same class for whom it shall issue its obligations, nor shall it, nor any of its agents, pay or allow, directly or indirectly, as an inducement to suretyship, any rebate of the premium payable for such suretyship, or any special favor or advantage to accrue thereon.

Sec. 3. Any such surety company, or agent thereof, who shall violate any of the provisions of the preceding section shall forfeit and pay a sum not exceeding one hundred dollars (\$100) for each and every violation thereof, to be recovered in an action in the name of the State. And upon conviction, it shall be the duty of the Commissioner of Insurance and Banking to revoke the certificate of authority of any such surety company or agent thereof so violating any of the provisions of this act.

Sec. 4. The fact that there is now no law authorizing the organization of the association provided for in this act, and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate bill No. 35, and find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature," and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature," be and the same is hereby amended so as to hereafter read as follows:

"Section 8. Certificate.—Every certificate issued by any association shall specify the maximum amount of benefit provided thereby, and the conditions governing the payment thereof, and shall provide that the certificate, the charter, or article of association, the constitution and laws of the association and the application for membership and medical examination signed by the applicant shall constitute the contract between the association and the member and copies of the same, certified by the secretary of the association or corresponding officer, shall be received in evidence of the terms and conditions of the contract; and any changes, additions or amendments to said charter or articles of association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate, shall bind the member and his beneficiary and shall

govern and control the contract in all respects the same as though such changes, additions or amendments had been made prior to, and were in force at the time of the application for membership; provided, it shall never be necessary for any such association to accompany its contract, policy or certificate with the copy of the application of such policy, contract or certificate nor with a copy of the questions and answers thereto. All benefit certificates shall from the date of their issuance be non-contestable on account of any statement or representation made by said applicant for membership either in his application or otherwise, or his medical examination, unless such representation shall be material to the risk assumed, and the burden of proof shall be upon the defendant to affirmatively establish such defense."

Sec. 2. The fact that the fraternal beneficiary law referred to in Section 1 of this act, passed by the First Called Session of the Thirty-first Legislature was by mistake amended so as to render it unintelligible, creates an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 42, and find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, be so amended that the same shall hereafter read as follows:

"Article 486. The city or town council of any city or town in this State incorporated under the general law, shall

have the power by ordinance to levy and collect an annual ad valorem tax sufficient to meet the interest and sinking fund on all indebtedness legally incurred prior to the adoption of the constitutional amendment in 1883, regarding the power of cities and towns to levy and collect taxes, etc., and may levy and collect 25 cents on the \$100 valuation of all property in such city or town or current expenses, and may levy and collect an additional 25 cents on the \$100 valuation for the purpose of construction or the purchase of public buildings, water works, sewers and other permanent improvements within the limits of such city or town, and shall also have power by ordinance to levy and collect a tax not exceeding 15 cents on the \$100 valuation of property for the construction and improvement of the roads, bridges and streets of such city or town within its limits, and all cities and towns providing for such improvements shall have the power to issue coupon bonds of the city therefor in such sum or sums as they may deem expedient, to bear interest not exceeding 6 per cent per annum; provided, that the aggregate amount of bonds issued for the construction or the purchase of public buildings, water works, sewers and other permanent improvements shall never reach an amount where the tax of 25 cents on the \$100 valuation of property will not pay current interest and provide a sinking fund sufficient to pay the principal at maturity; and provided, also, that the amount of bonds issued for street improvement purposes shall never reach an amount where the tax of 15 cents on the \$100 valuation of property will not pay current interest and provide a sinking fund sufficient to redeem them at maturity, and the amount of bonds legally issued under acts passed prior to the adoption of the present Constitution shall not be computed and estimated in the amount of bonds which may be issued for the above named city improvements. Within the meaning of this article shall be included building sites and buildings for the public free schools and institutions of learning within their limits."

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. Whereas there is now no law authorizing cities and towns to issue bonds for street improvements, creates an emergency and an imperative public necessity that the constitutional rule re-

quiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 41, "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency,"

And find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 4, and find it correctly enrolled, and have this day, at 9:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund, and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors, and providing that all banking corporations created under Chapter 10, Acts of First Called Session of the Twenty-ninth Legislature, shall avail their depositors of protection provided for by this act, either by the depositors' guaranty fund or by bond at their option; providing that all National banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this act; providing that banks incorporated by special act of the Legislature of the State of Texas may, voluntarily, on certain conditions protect their depositors under this act; providing that private banks may, voluntarily, avail their depositors of the protection by bond provided by this act; amending Sections 39, 50, 56 and 44, Chapter 10, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors, and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every corporation which may hereafter be incorporated under the laws of this State with banking and discount privileges, and each banking and trust company in this State heretofore incorporated, or that may hereafter be incorporated under the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, shall, at its option, protect its depositors in the manner hereinafter prescribed, either by availing itself of the depositors' guaranty fund hereinafter provided for, or by the depositors' bond security system hereinafter set forth.

Sec. 2. A State Banking Board is hereby created, which board shall be composed of the Attorney General, Commissioner of Insurance and Banking, and Treasurer of this State. Said board shall have the control and management of the depositors' guaranty fund hereinafter provided for, and shall have the power to adopt all necessary rules and regulations in harmony with this act for the management of said fund, said board shall have the general supervision and control of the depositors' bond security system herein provided for, and shall have the power of the regulation, control and supervision of all State banking corporations and trust companies as hereinafter provided in this act.

Sec. 3. Each and every bank and trust company mentioned in Section 1 of this act shall have the right and privilege, at its option, to secure its depositors by the manner, methods and under the terms, provisions and regulations as set forth in this act for the depositors' guaranty fund or the bond security system; provided, that all such banks and trust companies shall secure their depositors by one of said plans on January 1, 1910; provided further that such option shall be exercised on or before October 1, 1909, and provided that such option shall be exercised by the holders of the majority of the stock, and the president or cashier of such bank shall notify the Commissioner of Insurance and Banking by registered mail of such action.

Sec. 4. Any such bank or trust company which shall elect to secure its deposits under the depositors' guaranty fund provided for by this act, shall pay to said banking board, providing its application is approved by said board as hereinafter prescribed in Section 7 of this act, on January 1, 1910, 1 per cent of its daily average deposits for the preceding year ending November 1, 1909, not including United States, State or other public funds, if otherwise secured, for the purpose of creating a depositors' guaranty fund.

Annually after the first payment to said fund, each bank and trust company subject to the provisions of the guaranty fund plan of this act shall pay to said board one-fourth of 1 per cent of its daily average deposits for the year ending November 1 of the preceding year as above defined, which amount shall be added to said guaranty fund; provided that when the amount available

in said guaranty fund shall reach the sum of two million dollars the Bank Commissioner shall notify all banks and trust companies subject to this act, at least thirty days before the next annual payment, and thereafter the banks and trust companies participating shall not pay any further amount into said fund until said fund be depleted, in the event of the depletion of said fund from any cause so that it falls below two million dollars or below the amount of the guaranty fund on January 1 preceding, or in the event of necessity to meet an emergency at any time, said board shall have authority to require the payment for the current year of two per cent of such average deposits, or such part thereof as may be necessary to restore said fund to the maximum above named or to its amount as of January 1 preceding, or to meet the emergency, but no bank or trust company coming under the provisions of this act shall ever be required to pay more than two per cent of said average daily deposits for any one year; providing further that first payments herein provided for shall be made to said board without reference to said maximum sum.

Sec. 5. The fund provided for herein shall be paid to the State Banking Board as follows:

Twenty-five per cent of each payment required of each such bank or banking and trust company shall be paid to said board in cash and shall be by it deposited for safe keeping only with the State Treasurer as bailee for the State Banking Board, and shall be paid out by the State Treasurer on warrants drawn by the order of said board, and said fund shall never be diverted from the purpose specified in this act, nor shall it ever be considered State funds. The remaining seventy-five per cent of each payment required shall be paid by each such bank or banking and trust company crediting the State Banking Board with such amount as a demand deposit subject to check upon the order of said board. It shall be the duty of said board to keep at all times twenty-five per cent of the amount of said fund deposited with the State Treasurer in cash as provided herein.

Sec. 6. State bank and trust companies organized less than one year prior to the taking effect of this law or hereafter organized on approval of their applications as provided for in Section 7 of this act shall pay into said guaranty fund three per cent of the amount of their capital stock and surplus, which amount shall constitute a credit fund, subject to adjustment on the basis of their deposits as provided for other banks now existing, at the end of one year; provided, however, that said payment shall not be required of banks and trust companies formed by the reorganization or consolidation of banks that have previously complied with the terms of this act.

Sec. 7. The State Banking Board shall admit to the benefits and protection of this act only such banks and trust companies as in their opinion are solvent and properly officered and conducted, and shall prescribe the form of application and statement which shall be made by each and every bank and trust company and which shall be sworn to by two of the chief officers of the bank, blank copies of which application and statement shall be mailed to each State bank and trust company in this State at least ten days before this act requires the initial payment, and which shall be filled out, signed and sworn to and returned promptly to said board, and such copies shall be mailed to any other bank within this State on request. Should said board decline the application of any bank or trust company, it shall state the grounds of such declination to such institution and whether the objection can be removed, and the condition thereof.

Sec. 8. Any National bank in this State may voluntarily avail its depositors of the protection of the depositors' guaranty fund, upon the same terms, payments, conditions and in the same manner as herein provided for State banks; provided, that in the event National banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal government and thereby the deposits in National banks in this State should be guaranteed by virtue of Federal laws, that the National banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks.

Sec. 9. Whenever any State bank or trust company shall become insolvent and shall voluntarily, or by law, or in any manner as provided in Chapter 10, Acts of the First Called Session of the Twenty-ninth Legislature, come into the hands of the Commissioner of Insurance and Banking, he may proceed to wind up its affairs, either through a receiver or through some competent person, who shall give bond as may be required by the board, payable to the board for the faithful performance of all duties imposed upon him. Said bond may be recovered upon for the benefit of said guaranty fund, or any party at interest. On taking possession of the property and business of any such State bank, the Commissioner shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals holding or in possession of any assets of any such State bank.

No bank, trust company, association or individual knowing of such taking possession by the Commissioner, or notified as aforesaid, shall have a lien or charge for any payment, advance of clearance thereafter made, or liability thereafter incurred against any of the assets of the State bank of whose property and business the Commissioner shall have taken possession as aforesaid. Such State bank may, with the consent of the State Banking Board, resume business upon such condition as may be approved by it, which permission shall be evidenced by a written statement to that effect from the Commissioner. Upon taking possession of the property and business of such State bank, the Commissioner is authorized to collect moneys due to such corporation, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as herein provided. The Commissioner shall collect all debts due and claims belonging to such State bank, and upon the order of the district court, if in session, or the judge thereof, if in vacation, of the county in which it was located and transacting business, may sell or compound all bad or doubtful debts, and on like order may sell the real or personal property of such State bank on such terms as the court shall direct; and may, if necessary to pay the debts of such State bank, enforce the individual liability of the stockholders. The Commissioner may, under his hand and official seal, appoint one or more special agents to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the Commissioner and a certified copy in the office of the clerk of the county court in which such State bank was located and transacted business. The Commissioner may, from time to time, authorize a special agent to perform such duties connected with such liquidation and distribution as the said commissioner may deem proper. The Commissioner may employ such counsel and procure such expert assistance as may be necessary in the liquidation and distribution of the assets of such State bank and may retain such of the officers or employees of such State bank as he may deem necessary. The Commissioner shall require from a special agent and from such assistants such security for the faithful discharge of their duties as he may deem proper. The Commissioner shall cause notice to be given by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons who may have claims against such State bank to present the same to the Commissioner and make legal proof thereof at a place and within a time not earlier than the last day of publication to be therein specified, which notice shall contain a statement, in larger type than that in which the body of such notice is printed, specifically stating that all such claims of guaranteed depositors must be presented and legal proof thereof made at the place designated within forty-five days after the date which the property and business of such State bank was taken possession of by the Commissioner, and that all claims of guaranteed depositors presented after expiration of forty-five days shall not be entitled to payment of any portion thereof out of the depositors' guaranty fund. The Commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the State bank. If the Commissioner doubts the justice and validity of any claim he may reject the same and serve notice of such rejection upon the claimants, either by mail or by written notice personally served. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the Commissioner. The action upon the claim so rejected must be brought within six months after

such service. Claims presented after the expiration of the time fixed in the notice to the creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the Commissioner equitably applicable thereto. Upon taking possession of the property and assets of such State bank, the Commissioner shall make an inventory of the assets of such State bank in duplicate, one to be filed in the office of the Commissioner and one in the office of the clerk of the county court in which such State bank was located and transacting business, upon the expiration of the time fixed for the presentation of claims, the Commissioner shall make a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, and showing fully all claims and amounts paid to guaranteed depositors out of the depositors' guaranty fund, and the amount to which said fund is entitled by reason of its subrogation to the rights of such guaranteed depositors so paid, and all amounts held by him on account of claims of guaranteed depositors, which have been rejected or are in dispute, one to be filed in the office of the clerk of the county court of the county in which such State bank was located and transacted business. Such inventory and list of claims shall be open at all reasonable times to inspection. All compensation of special agents, counsel and other employes and assistants, and all expenses of supervision and liquidation shall be fixed by the Commissioner, subject to the approval of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacting business, on notice to such State bank; provided, that the compensation of such special agents shall always be the same as is provided by law for State bank examiners, and shall, upon the certificate of the Commissioner, be paid out of the fund of such State banks in the hands of the Commissioner. The moneys collected by the Commissioner shall be from time to time deposited in one or more State banks, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. At any time after the expiration of the date fixed for the presentation of claims, the Commissioner may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, he may declare a final dividend, such dividends to be paid to such person and in such manner and upon such notice as may be directed by the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In the declaration and payment of all such dividends the depositors' guaranty fund shall be entitled to receive as its dividend such portions of the amounts due and payable to guaranteed depositors as shall have been paid to them out of the depositors' guaranty fund, together with 6 per cent interest thereon from the date or dates upon which checks were drawn upon all State banks, as hereinafter provided, for the payment of the guaranteed deposits of such State banks, and the Commissioner shall forthwith distribute such dividends to State banks upon which checks were drawn for such payment of guaranteed deposits in proportion to the amounts of such checks, respectively. Objections to any claim not rejected by the Commissioner may be made by any party interested by filing a copy of such objections with the Commissioner, who shall present the same to the district court, if in session, or the judge thereof, if in vacation, at the time of the next application to declare a dividend. The court may make proper provision for unproved or unclaimed deposits. Whenever any such State bank, of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time, apply to the district court, if in session, or to the judge thereof, if in vacation, of the district in which such bank is located and transacting business to enjoin further proceedings, and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits dismiss such application or enjoin the Commissioner from further proceedings and direct him to surrender such business and property to such State bank. Whenever the Commissioner shall have paid to each and every depositor and creditor of such State bank (not including stockholders), except for the amount

of their deposits over and above their liability under the law as stockholders, whose claim or claims as such creditor or depositor shall have been duly proven and allowed, the full amount of such claims, and shall have repaid to the depositors' guaranty fund all amounts paid out of it to guaranteed depositors of such State bank, together with 6 per cent interest thereon from the date when the checks to provide for such payment were drawn and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the Commissioner shall call a meeting of the stockholders of such State bank by giving notice thereof for thirty days in one or more newspapers in the county where such State bank was located and transacted business. At such meeting the stockholders shall determine whether the Commissioner shall be continued as liquidator, and shall wind up the affairs of such State bank, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and a majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the Commissioner, he shall complete the liquidation of such corporation, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the district court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary for a choice. Such agent or agents shall execute and file with the Commissioner a bond, in such amount, with such sureties and in such form as shall be approved by the Commissioner, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the Commissioner shall transfer and deliver to such agent or agents all the undivided and unclaimed or other assets of such State bank then remaining in his hands; and upon such transfer and delivery the said Commissioner shall be discharged from any further liability to such State bank and its creditors and stockholders. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said State bank, as herein provided in the case of distribution by the Commissioner, except that the expenses thereof shall be subject to the direction and control of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In case of the death, removal or refusal to act of such agent or agents, the stockholders, on the same notice, to be given by the Commissioner, upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may select a successor and shall have the same power and be subject to the same liabilities and duties as the agent originally elected. Dividends and unclaimed deposits remaining unpaid in the hands of the Commissioner for six months after the order for final distribution shall be by him deposited in some State bank to be designated by the State Banking Board to the credit of the Commissioner in his name of office, in trust for the several depositors with and creditors of the liquidated State bank from which they were received, who are entitled thereto. The Commissioner shall show in his official report the names of the State banks so taken possession of and liquidated, and the amounts of unclaimed and unpaid deposits or dividends, with respect to each of them, respectively. The Commissioner shall pay over the moneys so held by him to the persons respectively entitled thereto upon the order of the State Banking Board, who shall direct such payment to such persons upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, the State Banking Board may require an order of the district court, if in session, or the judge thereof, if in vacation, authorizing and directing the payment thereof. The State Banking Board may apply the interest earned by the moneys held by the Commissioner, or may authorize him to apply the same toward defraying the expenses incurred in payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive the same, and the Commissioner shall include in his official

report a statement of the amount of interest earned by such unclaimed dividends. Any State bank may, at any time, place its affairs and assets under the control of the Commissioner by posting a notice on its front door, as follows: "This institution is in the hands of the Commissioner of Insurance and Banking of the State of Texas." The posting of this notice or of the same notice by the Commissioner or any State bank examiner at any time when he shall have taken possession of the property and business of a State bank, shall be sufficient to place all its assets and property of whatever nature in the possession of the Commissioner and shall operate as a bar to any attachment proceedings whatever.

Sec. 10. In the event the Commissioner of Insurance and Banking shall take possession of any bank or trust company, subject to the depositors' guaranty fund plan of this act, as herein provided, the depositors of said bank or trust company, as specified in Section 4 of this act, shall be paid in full out of the cash in said bank or trust company that can be made immediately available from such bank, and the remainder shall be paid out of the depositors' guaranty fund through the said board in the event the cash available in said institution shall be insufficient; provided, that deposits upon which interest is being paid or contracted to be paid directly or indirectly by said bank, its officers or stockholders, to the depositor and deposits otherwise secured shall not be insured under this act, but shall only receive the pro rata amount which may be realized from the assets, resources and collections of and from such banks and trust companies, its stockholders or directors.

Sec. 11. The State shall have, for the benefit of the depositors' guaranty fund, a first lien upon all assets of such bank or trust company, and all liabilities owing or accruing to such bank or trust company, in the event of the closing, as provided by law, of any such State bank or trust company operating under the depositors' guaranty fund plan, which lien shall attach and be in force from the time such bank or trust company is legally closed, upon all the property and assets then in possession of such bank or trust company; provided, however, that any deposits on which said bank was paying interest and any other deposits or debts not insured under this act and which are entitled to share in the assets, shall share in the dividends and proceeds of such assets and collections pro rata or as may be provided by law.

Sec. 12. In the event the depositors' guaranty fund, or any part thereof, shall be used by said banking board to pay off the depositors of a National bank which has accepted the provisions of this law, then said banking board shall receive from the receiver or other officer in charge of said bank the pro rata share of the proceeds of the assets and collections which would be due to said depositors to the amount so paid by the banking board.

Sec. 13. Any State bank or banking and trust company, incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the word "savings" as a part of its corporate name, or in or as part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be filed by the bank or banking and trust companies maintaining such savings departments and using the word "savings" as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and to be filed by banks desiring to establish such savings departments after this act shall take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which having such departments or using the word "savings" at the time this act shall take effect, shall continue to maintain such departments or to so use the word "savings" more than ninety days thereafter shall keep the

business of such department entirely separate and distinct from the general business of such bank or banking and trust company, and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than eighty-five per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to wit:

1. In bonds or interest bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

3. In bonds of the State of Texas or of any State of the Union that has not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

5. In bonds or notes secured by first mortgage, deed of trust or other valid lien on unincumbered improved real estate to run for a term of not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this State, certifying said bonds or notes to be the first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above described, and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipt, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than fifteen per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposits as provided for in this section, at the option of the bank or banking and trust company. In case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors shall have an exclusive prior lien upon all the assets, including cash, of such savings department, and which shall be first paid, and the remainder, after they have been paid in full, shall be applied to the payment of claims of general creditors. It shall be the duty of the president of each State bank or banking and trust company maintaining a savings department under the provisions of this section, to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits, when the last preceding monthly statement, as herein provided for is not conspicuously posted in the office from wherein its business is transacted.

The directors of any State bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on the savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are insufficient to pay any interest due upon any savings deposits,

such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general fund of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due on the accrued savings deposits, and the legitimate expense of such department have been provided for. All such savings departments shall be governed by the terms and provisions of this act so far as the same are applicable and are not in conflict with the special provisions of this section and shall also be governed by such provisions of laws of the State applicable to savings banks as are not in conflict with any of the provisions of this act or of this section, and such reasonable rules and regulations for the control of such savings department may be adopted and put in force by the board of directors at any regular meeting of the stockholders at any annual meeting; provided, that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any director or officer of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by the law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any security or other investment, or wilfully and knowingly do or perform any act or transaction by or as a result of which at any time the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least fifteen per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section, shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

In computing the aggregate amount of average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided in this act, or for the purpose of determining the amount required to be paid into the depositors' guaranty fund as provided in this act, the deposits of its savings department as provided in this section shall not be included.

Sec. 14. In the event of the voluntary liquidation of any bank or trust company operating under the provisions of the depositors' guaranty fund, when it shall be made to appear to the State Banking Board that all depositors have been paid in full, said board shall return to such bank or trust company the pro rata part paid by it into such fund then unused.

Sec. 15. Each and every State bank or trust company now or hereafter incorporated under the laws of this State, which shall elect to come under the provisions of the bond security system of this act, shall on January 1, 1910, and annually thereafter, file with the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such bank a bond, policy of insurance or other guaranty of indemnity in an amount equal to the amount of its capital stock, which said bond, policy of insurance or other guaranty of indemnity shall be for and inure to the benefit of all depositors. Such instrument and the security thereby provided shall be approved by the county judge of the county in which such business is domiciled, and shall take effect and be in force from and after the time

it is approved and filed in the office of the Commissioner of Insurance and Banking. Every such corporation shall comply with the provisions of this act, as herein provided, and every such corporation that may hereafter be incorporated shall comply with the provisions of this act as to the depositors' guaranty fund plan or the bond security system on filing its charter, before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act, shall secure depositors at the time said bond is filed and approved and all deposits made during the period of twelve months thereafter.

In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond. The bond or other form of guaranty provided for in this act may be made by any person, firm or corporation authorized to execute the same and any and all corporations incorporated under the provisions of Sections 8 and 9 of Chapter 10 of the First Called Session of the Twenty-ninth Legislature or any act amendatory thereof, shall be and they are hereby authorized and empowered to execute such bonds or guarantees, either singly or collectively, subject to approval as herein provided for; provided, that any such corporation which is at the time operating under the guaranty fund system provided for by this act shall not be accepted as a surety on any such bond.

Sec. 16. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of the bond security system of this act and to file with the Commissioner of Insurance and Banking a bond or policy or other guaranty of indemnity. Any such corporation shall, in such event, file a bond or policy of insurance or other guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas.

Any such person or firm transacting the business of a private bank shall in such event file a bond or policy of insurance or other guaranty of indemnity in an amount to be fixed by the Commissioner of Insurance, which amount shall in no case be less than one-half the amount of the average of the daily deposits with such persons or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this section unless such person or firm shall have been engaged in such business in the State of Texas for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Commissioner of Insurance and Banking such reports and statements concerning its deposits, and concerning the solvency of such bond or policy of insurance or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance or other guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided, further, that such bond, policy of insurance or other guaranty shall be approved by the county judge and filed with the Commissioner of Insurance and Banking as provided for in Section 15 hereof. Upon the filing of such bond or other form of guaranty it shall be the duty of the Commissioner to furnish a certificate of such fact.

Sec. 17. In the event of default by any person, firm or corporation transacting such business or receiving deposits which shall make, execute or file the bond or policy of insurance or other guaranty of indemnity, provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Commissioner of Insurance and Banking, when such default shall be made known to him, to at once make an examination of such bank, and if in his judgment the bank is insolvent, he shall take charge of such bank as provided by law for the liquidation of State banks. Upon taking charge of a bank as above provided, the Commissioner of Insurance and Banking shall at once give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond or policy of insurance or other

guaranty of indemnity, and upon such notice the full amount of the same shall thereby become due and payable within sixty days.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Commissioner of Insurance and Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising either from voluntary payment or otherwise, shall be payable to the Commissioner of Insurance and Banking, and shall be by him promptly paid over pro rata to unpaid depositors upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed before payment thereof shall be approved by him.

In the event any maker or signer as surety of such bond or policy of indemnity shall be a corporation incorporated under the laws of Texas and it shall refuse or fail to pay over within sixty days, as herein provided, the full amount due by it upon such bond or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General upon receiving notice thereof from the Commissioner of Insurance and Banking to bring suit in the district court of Travis county, Texas, within thirty days to forfeit such charter, and upon hearing thereof decree and judgment may be rendered, annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance, or other guaranty of indemnity shall be a corporation incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over within sixty days after demand shall have been made therefor by the Commissioner of Insurance and Banking, as herein provided, the full amount of its liabilities upon such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Commissioner of Insurance and Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Commissioner of Insurance and Banking thereafter to refuse any permit to said corporation to transact business in this State until it shall show to the satisfaction of such officers that it has fully discharged its liabilities upon such bond, or policy of insurance or other guaranty of indemnity upon which default was thus made.

In the event such person, firm or corporation shall default in the payment of a lawful demand and shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond of insurance or other guaranty of indemnity is not discharged it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond or policy of insurance or other guaranty of indemnity in the name of the Governor and for the benefit of all persons who may be beneficiaries thereof by reason of its terms and conditions.

Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy of insurance or other guaranty of indemnity transacted such business at the time of the filing thereof, or in any county immediately adjacent thereto at the option of the Attorney General. Any action upon such bond, or policy of insurance or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

Sec. 18. Whenever any maker or signer of any bond or policy of insurance or other guaranty of indemnity other than the principal therein, shall be required under the provisions of this act to pay over for the benefit of the depositors with any person or corporation, any sum or sums of money, such maker or signer making or participating in such payment, shall thereby become subrogated to the rights of the depositor to the extent of the payment or payments so made, and entitled to assert such right in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such bond, or policy of insurance, or other guaranty of indemnity.

Sec. 19. The Commissioner of Insurance and Banking, when in his judg-

ment it is necessary to make an examination of a bank in order to determine whether or not it is authorized to make bond under this act, or to determine the amount of such bond, shall charge a fee of not to exceed \$20.00 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 16, and the examination of the solvency thereof and for the filing of the same, and shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any other person, firm or corporation permitted to file such bond or policy of insurance or other guaranty of indemnity under the provisions of this act.

Sec. 20. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

STATE OF TEXAS, }
County of..... }

Know All Men by These Presents: That we,
..... as principal and
and as sureties, are held and firmly
bound unto the Governor of the State of Texas, and his successors in office
in trust for the benefit of depositors having funds deposited with.....
..... in the sum ofdollars,
payable as provided by the law of Texas, at the time of the execution hereof,
conditioned that the above bound.....
will pay upon demand, or in accordance with the certificate of deposit to the
persons entitled thereto all deposits in said bank at the date of said bond
and all other deposits made therein during the period of one year from the
date hereof. Upon payment of any sum or sums made obligatory by reason
of the terms hereof, any surety herein making or participating in such pay-
ment shall thereby be subrogated to the rights of a depositor and entitled to
assert such rights in accordance with the laws of the State, secondary and sub-
ject to the rights of all depositors secured by the terms hereof."

Sec. 21. The security for the benefit of depositors provided for by this act may be divided into two or more bonds, policies of insurance, or other guaranties of indemnity or any part thereof may be given in either of such forms of guaranty of indemnity; provided, that the aggregate thereof shall be equal to the total amount of the security required in accordance with the provisions of this act.

Sec. 22. Whenever the deposits of any corporation incorporated under the laws of Texas which shall have filed a bond, or policy of insurance, or other guaranty of indemnity with the Commissioner of Insurance and Banking in accordance with the provisions of this act shall exceed six times the amount of its capital and surplus, it shall be its duty to furnish in addition to the security theretofore so given, additional security for the protection of its depositors, which additional security shall consist of one or more bonds, or policies of insurance or other guaranties of indemnity, as herein provided, in a sum or sums, which shall, in the aggregate, be equal to the total amount of such excess of deposits above six times the amount of the capital and surplus of such corporation. In the event any such corporation shall refuse or fail to comply with the provisions of this section, after demand by the Commissioner of Insurance and Banking, it shall be his duty to report the facts to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such court shall, upon hearing and proof thereof, enter a decree and judgment therein, forfeiting and annulling the charter of such corporation.

Sec. 23. If any corporation organized under the general laws of this State to do a banking business or to receive funds on deposit, shall fail or refuse to file the bond, or policy of insurance or other guaranty of indemnity, provided for in Section 16 hereof, in accordance herewith, or avail itself of the depositors' guaranty fund plan as provided in this act, it shall be the duty of the Commissioner of Insurance and Banking to promptly report such failure to the Attorney General, who shall thereupon institute suit in the district court of Travis county to forfeit the charter of such corporation, and such

court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 24. If at any time it shall appear to the State Banking Board that any bond, or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, they shall have the authority, and it shall be their duty, to require such corporation to file new or additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such requirements they shall communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Commissioner of Insurance and Banking and the Attorney General shall, in such event, have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws, enacted at the First Called Session of the Twenty-ninth Legislature, and all authority conferred by the provisions of this act.

Section 25. All State banks transacting business in this State shall be required on or after the first day of January, 1910, to hold a certificate of authority to transact a banking business issued by the Commissioner, in compliance with the provisions of this act, and to keep the same conspicuously posted at all times in the banking house where such business is transacted.

It shall be the duty of the Commissioner of Insurance and Banking to issue to each State bank which the State Banking Board shall have approved and certified to him as provided in this act as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business. Such certificate of authority when issued to guaranty fund banks shall contain the following statement on the face thereof in bold type: "The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund." And when issued to bond security banks shall contain the following statement on the face thereof in bold type: "All deposits of this bank are protected by security bond under the laws of the State of Texas." And when issued to the State banks other than guaranty fund banks and bond security banks, it shall contain neither of these, nor any similar statement. The Commissioner of Insurance and Banking shall close all State banks which the State Banking Board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation; provided, that hereafter the Secretary of State shall on issuance of any charter to any bank or banking and trust company, deliver the same to the Commissioner of Insurance and Banking, who shall deliver such charter to such corporation, together with the certificate herein provided for upon such corporation showing to the satisfaction of the State Banking Board that it has complied with the State banking laws.

Any person or persons who shall in any capacity transact or hold themselves out as transacting the business of banking for or on behalf of any State bank or State banking and trust company after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense, each day being considered as a separate offense, by a fine of not less than \$100 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 26. Section 39 of Chapter 10 of the Acts of the First Called Session of the Twenty-Ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Sec. 39. It shall be the duty of the Commissioner of Insurance and Banking, at least once in each quarter of each calendar year to cause each banking corporation heretofore or hereafter incorporated under the general laws of

ment it is necessary to make an examination of a bank in order to determine whether or not it is authorized to make bond under this act, or to determine the amount of such bond, shall charge a fee of not to exceed \$20.00 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 16, and the examination of the solvency thereof and for the filing of the same, and shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any other person, firm or corporation permitted to file such bond or policy of insurance or other guaranty of indemnity under the provisions of this act.

Sec. 20. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

STATE OF TEXAS, }
County of..... }

Know All Men by These Presents: That we,
..... as principal and
and as sureties, are held and firmly
bound unto the Governor of the State of Texas, and his successors in office
in trust for the benefit of depositors having funds deposited with.....
..... in the sum ofdollars,
payable as provided by the law of Texas, at the time of the execution hereof,
conditioned that the above bound.....
will pay upon demand, or in accordance with the certificate of deposit to the
persons entitled thereto all deposits in said bank at the date of said bond
and all other deposits made therein during the period of one year from the
date hereof. Upon payment of any sum or sums made obligatory by reason
of the terms hereof, any surety herein making or participating in such pay-
ment shall thereby be subrogated to the rights of a depositor and entitled to
assert such rights in accordance with the laws of the State, secondary and sub-
ject to the rights of all depositors secured by the terms hereof."

Sec. 21. The security for the benefit of depositors provided for by this act
may be divided into two or more bonds, policies of insurance, or other guar-
anties of indemnity or any part thereof may be given in either of such forms
of guaranty of indemnity; provided, that the aggregate thereof shall be equal
to the total amount of the security required in accordance with the pro-
visions of this act.

Sec. 22. Whenever the deposits of any corporation incorporated under the
laws of Texas which shall have filed a bond, or policy of insurance, or other
guaranty of indemnity with the Commissioner of Insurance and Banking in ac-
cordance with the provisions of this act shall exceed six times the amount
of its capital and surplus, it shall be its duty to furnish in addition to the
security theretofore so given, additional security for the protection of its
depositors, which additional security shall consist of one or more bonds, or
policies of insurance or other guaranties of indemnity, as herein provided, in
a sum or sums, which shall, in the aggregate, be equal to the total amount
of such excess of deposits above six times the amount of the capital and sur-
plus of such corporation. In the event any such corporation shall refuse or
fail to comply with the provisions of this section, after demand by the Com-
missioner of Insurance and Banking, it shall be his duty to report the facts
to the Attorney General, who shall thereupon institute suit in the district
court of Travis county to forfeit the charter of such corporation, and such
court shall, upon hearing and proof thereof, enter a decree and judgment
therein, forfeiting and annulling the charter of such corporation.

Sec. 23. If any corporation organized under the general laws of this State
to do a banking business or to receive funds on deposit, shall fail or refuse
to file the bond, or policy of insurance or other guaranty of indemnity, pro-
vided for in Section 16 hereof, in accordance herewith, or avail itself of the
depositors' guaranty fund plan as provided in this act, it shall be the duty
of the Commissioner of Insurance and Banking to promptly report such failure
to the Attorney General, who shall thereupon institute suit in the district
court of Travis county to forfeit the charter of such corporation, and such

court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 24. If at any time it shall appear to the State Banking Board that any bond, or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, they shall have the authority, and it shall be their duty, to require such corporation to file new or additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such requirements they shall communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Commissioner of Insurance and Banking and the Attorney General shall, in such event, have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws, enacted at the First Called Session of the Twenty-ninth Legislature, and all authority conferred by the provisions of this act.

Section 25. All State banks transacting business in this State shall be required on or after the first day of January, 1910, to hold a certificate of authority to transact a banking business issued by the Commissioner, in compliance with the provisions of this act, and to keep the same conspicuously posted at all times in the banking house where such business is transacted.

It shall be the duty of the Commissioner of Insurance and Banking to issue to each State bank which the State Banking Board shall have approved and certified to him as provided in this act as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business. Such certificate of authority when issued to guaranty fund banks shall contain the following statement on the face thereof in bold type: "The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund." And when issued to bond security banks shall contain the following statement on the face thereof in bold type: "All deposits of this bank are protected by security bond under the laws of the State of Texas." And when issued to the State banks other than guaranty fund banks and bond security banks, it shall contain neither of these, nor any similar statement. The Commissioner of Insurance and Banking shall close all State banks which the State Banking Board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation; provided, that hereafter the Secretary of State shall on issuance of any charter to any bank or banking and trust company, deliver the same to the Commissioner of Insurance and Banking, who shall deliver such charter to such corporation, together with the certificate herein provided for upon such corporation showing to the satisfaction of the State Banking Board that it has complied with the State banking laws.

Any person or persons who shall in any capacity transact or hold themselves out as transacting the business of banking for or on behalf of any State bank or State banking and trust company after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense, each day being considered as a separate offense, by a fine of not less than \$100 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 26. Section 39 of Chapter 10 of the Acts of the First Called Session of the Twenty-Ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Sec. 39. It shall be the duty of the Commissioner of Insurance and Banking, at least once in each quarter of each calendar year to cause each banking corporation heretofore or hereafter incorporated under the general laws of

the State of Texas, subject by law to examination to be thoroughly and fully examined, and any such corporations may be examined whenever such Commissioner may deem it necessary or expedient. Such Commissioner and all State bank examiners shall have the power to administer oaths to any person whose testimony may be desired for the purpose of any such examinations. The expense of every general and special examination shall be paid by the corporation examined in such amount as the Commissioner of Insurance and Banking shall certify to be just and reasonable. Provided, such expenses shall be paid in proportion to the amount of capital stock of the various corporations as follows: Those with a capital stock of \$10,000, shall not pay more than \$12.50; those with a capital stock of more than \$10,000 and not exceeding \$25,000 shall not pay more than \$15.00; those with a capital stock of more than \$25,000 and not exceeding \$50,000 shall not pay more than \$20.00; those with a capital stock of more than \$50,000 and not exceeding \$100,000 shall not pay more than \$30.00; those with a capital stock of more than \$100,000 and not exceeding \$250,000 shall not pay more than \$37.50; those with a capital stock of more than \$250,000 and not exceeding \$500,000 shall not pay more than \$75.00; those with a capital stock of more than \$500,000 and not exceeding \$1,000,000 shall not pay more than \$125.00; those with a capital stock of more than \$1,000,000 and not exceeding \$2,000,000 shall not pay more than \$150.00; those with a capital stock of more than \$2,000,000 and not exceeding \$4,000,000 shall not pay more than \$200.00; and those with a capital stock exceeding \$4,000,000 shall not pay more than \$300.00.

The permanent surplus of any such corporation shall be reckoned in ascertaining the fees for examination as a part of its capital stock. All sums collected as examination fees shall be paid by the Commissioner of Insurance and Banking directly into the State Treasury to the credit of the general revenue fund. Payments for salaries and expenses of examinations and for expenses of the Commissioner of Insurance and Banking in enforcing this act, shall be made upon the certificate of the Commissioner of Insurance and Banking by warrant of the Comptroller upon the State Treasurer.

Sec. 27. If from the sworn statement of the average daily deposits of any bank for the year ending on the first day of November, 1909, or of any subsequent year, filed with the Commissioner as provided in this act, it shall appear that such average daily deposits for such year amounted to more than five times the capital stock and surplus of such bank on November 1 of such year, if the capital stock of such bank is not more than \$10,000 or more than six times such capital stock and surplus if the capital stock is more than \$10,000 and less than \$20,000; or seven times such capital and surplus, if the capital stock is \$20,000 or more, and less than \$40,000; or eight times such capital stock and surplus, if the capital stock is \$40,000 or more, and less than \$75,000; or nine times such capital stock and surplus, if the capital stock is \$75,000 or more, and less than \$100,000; or ten times such capital stock and surplus, if such capital stock is \$100,000 or more, then in any such case it shall be the duty of the State Banking Board to require that such State bank shall within sixty days thereafter increase its capital by 25 per cent thereof, and it shall be the duty of the Commissioner to immediately furnish such State bank with a certified copy of the order making such requirement, and upon the receipt of such requisition the directors of such State bank shall, within the time required, cause such increase to be made in its capital stock, and if the same is not done within such time, it shall be unlawful for such bank to thereafter receive any deposits at any time when its total demand and time deposits shall in the aggregate amount to more than the limitation herein placed upon deposits; provided, that any State bank which purchases the assets of any other bank shall before the purchase of the assets of such other bank, increase its capital to such an amount that the same will have the ratio to the total deposits of the bank the assets of which it has purchased, as defined and required in this section.

Sec. 28. After this act shall take effect it shall be unlawful for any State bank or trust company to own more than ten per cent of the capital stock of any other banking corporation, or to make a loan, secured by the stock of any other banking corporation if by the making of such loan the total stock of such other banking corporation held by it as collateral will exceed

in the aggregate ten per cent of the capital stock of such other banking corporation unless the ownership or the taking of a greater percentage of such capital stock as collateral shall be necessary to prevent loss upon a debt previously contracted in good faith, and any such excess so taken as collateral or owned by such State bank shall not be held as collateral nor owned by it for a longer period than six months.

Sec. 29. All State banks and trust companies shall be permitted to loan upon or discount commercial or business paper secured by lien upon cotton and cotton seed products to the same extent and upon the same conditions as is now or may be provided for National banks under the laws of the United States.

Sec. 30. Any bank or trust company created by virtue of a special act of the Legislature of the State of Texas now or hereafter engaged in the general banking business in Texas and which at the time has only one place of business and which has heretofore accepted or may hereafter accept one or more of the provisions of the Acts of the Twenty-ninth Legislature known as the State banking law, thereby submitting itself to the jurisdiction of the State Banking Department, may with the approval of the State Banking Board avail itself of the provisions of this act, either as a bond security bank, or as a guaranty fund bank by vote as prescribed for State banks.

Sec. 31. All guaranty fund banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish any form of advertising which they may adopt, or upon their stationery the following words: "The non-interest-bearing and unsecured deposits of this bank are protected by the depositors' guaranty fund of the State of Texas." All bond guaranty banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish by any form of advertising which they may adopt, or upon their stationery, the following words: "The deposits of this bank are protected by guaranty bond under the laws of this State." Said banks are authorized to use the terms "Guaranty Fund Bank" or "Guaranty Bond Bank," as the case may be, but they are hereby prohibited from describing said forms of guaranty by any other terms or words than herein named. Any guaranty fund bank or bond security bank or any officer, director, stockholder or other person for any such bank who shall write, print, publish or advertise in any manner or by any means or permit any one for them, or for said bank, to write, print, publish or advertise any statement that the deposits of any such bank are secured otherwise than as permitted in this section, or who shall make or publish any advertisement or statement to the effect that the State of Texas guarantees or secures the deposits in any such bank or banking and trust company shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment. Any person who shall write, print, publish or advertise the above statement authorized to be used by bond security banks or guaranty fund banks other than as herein authorized shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment.

Sec. 32. Any National bank in this State may voluntarily avail its depositors of the protection of the bond security system herein provided for State banks.

Sec. 33. Section 44, Chapter 10, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 44. The Commissioner of Insurance and Banking from time to time shall appoint such number of State bank examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly under oath by each examiner and shall be approved by the Commissioner."

Sec. 34. Section 56 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas, is hereby amended so as hereafter to read as follows:

"Section 56. The directors of any bank or trust company organized under this act may appoint and remove any officer or other employe at pleasure. The officer or employe shall have no power to endorse, sell, pledge or hypothecate any note, bond or other obligation received by such corporation for money loaned until such power and authority shall have been given such officer or employe by the board of directors in a regular meeting of the board, a written record of which proceedings shall have first been made upon the minutes of the corporation; and all acts of endorsing, selling, pledging or hypothecating done by said cashier or other officer or employe of any such bank or trust company without the authority of the board of directors given as herein provided, shall be null and void."

Sec. 35. Every officer of every State bank, upon which the powers of a cashier or treasurer may be imposed by the board of directors shall, before entering or being permitted to enter upon the exercise of such powers, or the duties of his office, give a good and sufficient bond in such sum and with such surety or sureties as the board of directors may approve, and in such form as may be prescribed by the Commissioner of Insurance and Banking, conditioned to pay the bank such pecuniary loss as the bank may sustain of money or other valuable securities embezzled, wrongly abstracted or willfully misapplied by said officer in the course of his employment as such and in the course of his employment in any other position in the bank to which he may be appointed, reappointed, elected, re-elected, or temporarily assigned. Such bond shall be approved by the board of directors in writing on the minutes of the corporation, and no member of the board of directors or officers of such State bank shall become surety thereon, and the same shall be deposited in some safe place, inaccessible by the maker thereof or the sureties thereupon, to be prescribed by the board of directors and shown upon the minutes of the corporation.

Sec. 36. No State bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or, in default thereof, such State bank shall be considered to have its capital stock impaired to the extent of the par value of such shares.

Sec. 37. It shall be unlawful for any such bank to hypothecate or pledge as collateral security for money borrowed upon bills payable or certificates of deposit, or otherwise, its securities to an amount more than 50 per cent greater than the amount borrowed thereon, or for any State bank to issue or execute any bills or other evidence of indebtedness secured or to be secured, by the pledge or hypothecation of any of its securities which shall not contain a provision that in the event such State bank shall, for any cause, have its property and business taken possession of by the Commissioner, at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after the date of such taking possession shall be allowed in which such bank or commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness.

Sec. 38. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as hereafter to read as follows:

"Section 50. No bank and no bank or trust company or any member of either shall, during the time it shall continue in banking or banking and trust operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by a bank or bank and trust company while it continues its banking and trust

operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any State bank on which interest is past due and unpaid for a period of six months unless the same are well secured or in process of collection, shall be considered bad debts within the meaning of this section.

"The board of directors of any bank or trust company organized under this act may declare a semi-annual or quarterly dividend, if such dividend has been earned, provided the corporation be fully solvent, without such earnings proposed to be divided. But they shall not declare a dividend at any time when the capital of such corporation shall have become impaired to such an extent that it is not worth in good resources the full amount paid in after the payment of all liabilities, and any officer or director of such corporation who shall assent to declaring and paying dividends where the capital stock is so impaired, shall be personally liable to the creditors of the corporation to the amount of his proportion of the proposed dividend, if any loss occur by reason of the payment of such dividends."

Sec. 39. The State Banking Board shall have the power from time to time to make such changes in the form of the statements required of each banking corporation as it may deem advisable, and to require any additional statements which it may deem necessary as to average daily deposits, capital stock, surplus, character of deposits and such other matters as it may deem necessary to the enforcement of this act.

Sec. 40. Should the courts declare any section of this act unconstitutional or unauthorized by law or in conflict with any other section or provision of this act, then such decision shall affect only the section or provision so declared to be unconstitutional and shall not affect any other section or part of this act.

Sec. 41. Every president, cashier, director, teller, clerk or agent of any State bank or banking and trust company incorporated under the laws of Texas who embezzles, abstracts or willfully misapplies any of the moneys, funds or credits of such State bank, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of such State bank, with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual, person, firm or association or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section shall be deemed guilty of a felony and shall, upon conviction, be imprisoned in the State penitentiary for a term of not less than five years nor more than ten years.

Sec. 42. Any director of a State bank or banking and trust company incorporated under the laws of this State who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a majority of the directors of the bank first having been obtained and made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of such bank who shall knowingly loan or assent to the loaning of any of its funds to any officer, or any of its funds to any director, in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years, upon conviction thereof.

Sec. 43. Any officer, director or employee of any State bank or trust company who knowingly or willfully fails or refuses to perform any duty imposed upon him by law or who shall do or perform or assist in doing or performing any

act or transaction prohibited by the provisions of this act, for the punishment of which provision is not otherwise herein made, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Sec. 44. Neither the Commissioner of Insurance and Banking nor any regularly appointed clerks or employees of the Department of Insurance and Banking, nor any State bank examiner shall, at any time during his incumbency, be financially interested, directly or indirectly, in any State bank or banking and trust company subject to the supervision of the Department of Insurance and Banking, or knowingly be or become indebted, either directly or indirectly, to any such State bank or banking and trust company.

Any officer or employee named in this section violating its provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500 and the venue in such case shall be in the county wherein such State bank or banking and trust company is located. The violation of the provisions of this section shall work a forfeiture of the office or position held by the person guilty of such violation.

Sec. 45. Any officer, clerk or agent of any State bank or banking and trust company incorporated under the laws of Texas, who shall willfully certify to any check or checks before the amount thereof shall have been regularly entered to the credit of the drawer, upon the books of such State bank or banking and trust company shall be deemed guilty of a felony, and upon conviction thereof shall be punished by fine of not less than five hundred nor more than five thousand dollars, or by imprisonment in the State penitentiary for not more than one year, or by both such fine and imprisonment.

Sec. 46. Any State bank examiner or special agent who shall knowingly and intentionally fail or refuse to notify the Commissioner of Insurance and Banking in writing of any violation of the criminal provisions of this act within ten days after the same shall have come to his notice or attention, unless such notice shall, within his knowledge, have been previously given by some other bank examiner or special agent, or any Commissioner of Insurance and Banking who shall knowingly and intentionally fail or refuse to notify in writing the county or district attorney charged by law with the duty of the prosecution thereof, of any such violation within ten days after the same shall have come to his knowledge or attention shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment, and upon conviction shall be removed from office.

Sec. 47. The provisions of this act shall be held to be cumulative of all laws now in force applicable to State banks or banking and trust companies incorporated under the laws of Texas, not in conflict herewith.

Sec. 48. It shall be unlawful for any State bank or banking and trust company in this State to directly or indirectly loan to the Commissioner of Insurance and Banking or any other person interested in or employed by the Department of Insurance and Banking, and it is hereby expressly provided that a violation of this provision shall render such corporation liable to a penalty of not less than \$100 nor more than \$1000, to be recovered for the benefit of the State.

Sec. 49. The fact that there is no law in the State providing for a fund for the protection of depositors in banks and trust companies creates an emergency which requires that the constitutional rule that requires bills to be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

APPENDIX A.

SENATE BILLS AND CONCURRENT RESOLUTIONS— HISTORY OF IN SENATE.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem pay of officers and employes of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened April 12, 1909, by proclamation of the Governor."

Read first time, and referred to the Finance Committee..... 5
Reported favorably and be not printed 8
Constitutional rule suspended and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 6
Reported engrossed..... 9
Received from House, with amendments 10
House amendments concurred in... 10
Signed 13
Reported enrolled..... 14

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act making appropriation to defray the contingent expense of the Second Called Session of the Thirty-first Legislature of the State of Texas, convened on April 12, 1909, by proclamation of the Governor."

Read first time, and referred to the Finance Committee..... 5
Reported favorably and be not printed 8
Constitutional rule suspended, and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed 7
Reported engrossed..... 9
Received from House..... 10
Signed 13
Reported enrolled..... 14

By Senator Willacy:

Senate bill No. 3, A bill to be entitled "An Act making appropriation for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes."

Read first time, and referred to the Finance Committee..... 5
Reported adversely, with favorable substitute 91
Read second time, and laid on table subject to call (See errata)..... 219
(Died on table.)

By Senator Alexander:

Senate bill No. 4, A bill to be entitled "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositors' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositors of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

Read first time, and referred to the Committee on Insurance, Statistics and History..... 5
Reported adverse majority; favorable minority..... 83
Read second time; minority report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed... 138-184-185
Reported engrossed..... 205
Received from House, with substitute 226

Read first time, and referred to Committee on Insurance, Statistics and History.....	247
Reported adverse majority, with favorable substitute; favorable minority	274-288
Senate rule suspended; read second time; majority report adopted; passed to third reading; constitutional rule suspended; read third time, and passed.....	266
House refused to concur in Senate amendments, and requests a Free Conference Committee.....	295
Senate grants request.....	295
Senate adopts Free Conference Committee report.....	316
House adopts Free Conference Committee report.....	364
Signed	369
Enrolled bill in full.....	383

By Senator Willacy:

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905; August 31, 1906; August 31, 1907; August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909; August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for outstanding claims not registered, and declaring an emergency."

Read first time, and referred to Finance Committee	12
Reported favorably.....	17
Read second time; amended; ordered engrossed; constitutional rule suspended; read third time, and passed	23
Reported engrossed.....	37
Received from House, with amendments	59
House amendments concurred in...	59
Signed	62
Reported enrolled.....	87

By Senator Cofer:

Senate bill No. 6, A bill to be entitled "An Act to create the Myra Independent School District."

Read first time, and referred to Committee on Educational Affairs	12
Reported favorably and be not printed	14
Read second time; committee report adopted; ordered engrossed; con-	

stitutional rule suspended; read third time, and passed.....	16
Reported engrossed.....	28
Received from House, with amendments	35
House amendments concurred in....	36
Signed	60
Reported enrolled.....	87

By Senator Willacy:

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

Read first time, and referred to Finance Committee	12
Reported favorably.....	18
Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed.....	24
Reported engrossed.....	37
Received from House, with amendments	295
House amendments concurred in....	299
Signed	310
Enrolled bill in full.....	377

By Senator Ward:

Senate bill No. 8, A bill to be entitled "An Act to amend the Cleburne city charter."

Read first time, and referred to Committee on Towns and City Corporations	12
Reported favorably and be not printed	13
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed.....	17
Reported engrossed.....	29
Received from House.....	35
Signed	36
Reported enrolled.....	46

By Senator Willacy:

Senate bill No. 9, A bill to be entitled "An Act creating the Corpus Christi Independent School District."

Read first time, and referred to Committee on Educational Affairs....	13
(Died in committee.)	

By Senator Veale:

Senate bill No. 10, A bill to be entitled "An Act to create the Amarillo Independent School District."

Read first time, and referred to Committee on Educational Affairs....	13
---	----

Reported favorably and be not printed	28
Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed.....	24
Reported engrossed.....	38
Received from House.....	59
Signed	62
Reported enrolled.....	87

By Senator Veale:

Senate bill No. 11, A bill to be entitled "An Act granting a charter to the city of Amarillo."

Read first time, and referred to Committee on Towns and City Corporations	13
Reported favorably and be not printed	27
Read second time, and laid on table subject to call.....	32
(Died on table.)	

By Senator Hudspeth:

Senate bill No. 12, A bill to be entitled "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller."

Read first time, and referred to Judiciary Committee No. 2.....	13
Reported favorably and be printed in Journal	78
Printing part of report adopted....	78
Read second time; amended; ordered	

engrossed; engrossment vote reconsidered; amended; ordered engrossed; constitutional rule suspended; read third time, and passed	131
Reported engrossed.....	195
Received from House, with amendments	294
Senate refused to concur in House amendments and requests a Free Conference Committee.....	296
House grants request for a Free Conference Committee.....	299
Senate adopts Free Conference Committee report.....	311
House adopts Free Conference Committee report.....	311
Signed	369
Enrolled bill in full.....	375

By Senator Terrell of McLennan:

Senate bill No. 13, A bill to be entitled "An Act requiring railroad companies to provide adequate and suitable passenger and freight depot buildings at their several stations and requiring them to keep all their passenger depots well lighted and warmed for the comfort and accommodation of the traveling public and giving the Railroad Commission power to require compliance with this act, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements	16
Reported favorably and be not printed	37
Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed.....	32
Reported engrossed.....	38
Received from House, with amendments	247
House amendments concurred in....	248
Signed	271
Enrolled bill in full.....	289

By Senator Holsey:

Senate bill No. 14, A bill to be entitled "An Act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation, and the establishing of a State Banking Board and the creation of a guarantee fund under the supervision thereof."

Read first time, and referred to Committee on Insurance, Statistics and History	21
Reported adverse majority; favorable minority.....	84
Read second time, and laid on table subject to call.....	198
(Died on table.)	

By Senator Terrell of Bowie:

Senate bill No. 15, A bill to be entitled "An Act to amend the city charter of the city of Texarkana, Texas, and the acts amendatory of said city charter, and to amend an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class as a city of 10,000 and over of inhabitants; to grant to the city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,' passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, by adding thereto Section 192a, requiring railroad companies owning or operating railroad tracks across Elm street, Oak street and Spruce street in said city to construct a viaduct on one of said streets, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations 21
Reported adversely..... 129

By Senator Ward:

Senate bill No. 16, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business whatever, except interstate business, or to establishing or maintaining within this State a general or special office therefor, shall obtain from the Secretary of State and have a current permit to do business within this State, and making it a misdemeanor for any officer, agent, representative or employe of such corporation, in the name or on behalf of or for such corporation, to do any business whatever within this State, except interstate business, or to establish or maintain within this State any general or special office therefor." etc.

Read first time, and referred to Judiciary Committee No. 1..... 21
Reported favorably, with amendments, and be not printed..... 45
Read second time; laid on table subject to call, and be printed in Journal 52
Printed bill in full..... 52
Taken up and made special order for April 27th..... 73
Taken up; report of Committee of Whole adopted, which killed the bill 89-90

By Senator Alexander:

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas of 1895, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 15, Acts of the Thirtieth Legislature, by amending Subdivisions 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements. 21
Reported favorably and be not printed 28
Constitutional rule suspended and put on second reading; Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed..... 25
Reported engrossed 38
Received from House..... 226
Signed 253
Enrolled bill in full..... 292

By Senators Peeler and Watson:

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses, arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discrimination, favoritism or rebates, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 22
Reported favorably and be printed in Journal..... 77
Printing part of report adopted.... 77
Bill in full..... 77
Read second time, and made special order for May 3d..... 133
Taken up; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 209

Reported engrossed.....	223
Received from House, with amendments	295
Senate refused to concur in House amendments, and requests a Free Conference Committee	299
House grants request for Free Conference Committee.....	304
Senate adopts report of Free Conference Committee.....	306
House adopts report of Free Conference Committee.....	307
Signed	368
Enrolled bill in full.....	380

By Senators Sturgeon, Bryan and Veale:

Senate bill No. 19, A bill to be entitled "An Act relating to the election, qualification and duties of the Commissioner of the General Land Office and his employees; providing a complete system of accounting, bookkeeping and auditing such accounts; prescribing rules and methods for the collection of fees, and keeping land accounts and collecting principal and interest on lands sold; providing system of accounting with the State Treasurer and the Comptroller of Public Accounts; providing for a general revision of the laws relating to the General Land Office."

Read first time, and referred to Committee on State Affairs.....	22
Reported adversely, with favorable substitute	202
Read second time, and laid on table subject to call.....	307
(Died on table.)	

By Senators Sturgeon, Bryan and Veale:

Senate bill No. 20, A bill to be entitled "An Act to amend Articles 3923, 3924, 3926a and 3926b, and to repeal Article 3924a, Chapter 8, Title 86 of the Revised Statutes of 1895; providing a system of apportioning, distributing and accounting of the available school fund of the State, county, city and school districts; providing procedure; prescribing duties of Superintendent of Public Instruction, Comptroller and treasurers of school funds."

Read first time, and referred to Committee on State Affairs.....	22
Reported adversely.....	370

By Senators Bryan, Veale and Sturgeon:

Senate bill No. 21, A bill to be entitled "An Act to constitute the Governor, the chairman of the Railroad Commission and Secretary of State a board of ac-

counting to put in force a system of accounting for the departments of Comptroller, General Land Office and Treasury, in pursuance of the provisions of the laws passed by the First Called Session of the Thirty-first Legislature; making an appropriation to carry them into effect; and declaring an emergency."

Read first time, and referred to Committee on State Affairs..... 22
(Died in committee.)

By Senators Veale, Sturgeon and Bryan:

Senate bill No. 22, A bill to be entitled "An Act to repeal Articles 2830, 2833, 2837, 2840, 2841 and 2842 of Chapter 2 of Title 52; to repeal Article 2892 of Chapter 5 of Title 52; to repeal Articles 5127, 5130, 5132, 5134, 5135 and 5153 of Chapter 3, Title 104; to repeal Articles 5162 and 5172 of Chapter 4, Title 104, and to repeal Article 5217, Chapter 5, Title 104 of the Revised Statutes of 1895."

Read first time, and referred to Committee on State Affairs..... 22
(Died in committee.)

By Senators Veale, Sturgeon and Bryan:

Senate bill No. 23, A bill to be entitled "An Act providing for the election, qualifications, bond and duties of the State Treasurer, and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties; providing methods for the receiving and handling of all funds, warrants and other claims."

Read first time, and referred to Committee on State Affairs..... 22
Reported adversely..... 371

By Senators Veale, Bryan and Sturgeon:

Senate bill No. 24, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts, the duties of his employees; providing a complete system of accounting, bookkeeping and auditing of accounts of the department and of other departments and officers of the government; providing that the Comptroller shall prepare forms to be used exclusively in making reports and claims; providing a system for the collection and handling of revenue of all kinds; providing for appointment of

chief clerk, and prescribing his duties; providing for filling vacancies."

Read first time, and referred to Committee on State Affairs..... 23
(Died in committee.)

By Senators Veale, Bryan and Sturgeon:

Senate bill No. 25, A bill to be entitled "An Act relating to and prescribing the duties of the county tax assessors and collectors, and the county clerks, Comptroller and State Treasurer, with reference to the assessment and collection of taxes; providing a complete system of accounting, bookkeeping and auditing of such accounts; prescribing rules and methods for keeping accounts, collecting and disbursing taxes of all kinds, including delinquent and insolvent taxes; providing for payment of compensation and reimbursing counties; providing for and establishing rules and methods for furnishing forms, checking accounts and making reports by the assessors, collectors, county clerks, Comptroller and treasurers."

Read first time, and referred to Committee on State Affairs..... 23
(Died in committee.)

By Senators Senter and Hume:

Senate bill No. 26, A bill to be entitled "An Act to require each corporation organized under the laws of this State to do a banking business," etc.

Read first time, and referred to Committee on Insurance, Statistics and History..... 31
Reported favorable majority; adverse minority..... 82
Read second time, and laid on table subject to call..... 199
(Died on table.)

By Senator Willacy:

Senate bill No. 27, A bill to be entitled "An Act to amend an act creating an independent school district to be known as Corpus Christi Independent School District," etc.

Read first time, and referred to Committee on Educational Affairs... 31
Reported favorably and be not printed 44
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed.... 56
Reported engrossed..... 60
Received from House..... 137
Signed 201
Reported enrolled..... 205

By Senators Terrell of McLennan and Harper:

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics History 31
Reported favorably..... 84
Read second time; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 200
Reported engrossed..... 208
Received from House..... 295
Signed 310
Enrolled bill in full..... 377

By Senator Hudspeth:

Senate bill No. 29, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas," etc.

Read first time, and referred to Committee on Educational Affairs... 31
Reported favorably and be not printed 45
Read second time; laid on table subject to call..... 56
(Died on table.)

By Senator Hudspeth:

Senate bill No. 30, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas," etc.

Read first time, and referred to Committee on Educational Affairs... 31
Reported favorably and be not printed 44
Read second time, and laid on table subject to call..... 56
(Died on table.)

By Senators Hume, Murray, Kellie, Real, Adams, Perkins, Hudspeth, Watson, Ward, Senter, Terrell of McLennan, Peeler, Greer, Hayter, Bryan, Masterson, Cofer, Alexander, Stokes, Weinert, Harper and Meachum:

Senate bill No. 31, A bill to be entitled "An Act to provide for the further improvement and maintenance of the San Jacinto State Park, under provisions of Chapter 48 of the Acts of the Regular Session of the Thirtieth Legislature; making an appropriation therefor, and declaring an emergency."

Read first time, and referred to Finance Committee 31
(Died in committee.)

By Senators Meachum, Greer, Perkins and Harper:

Senate bill No. 32, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banking corporations; and providing for the better securing of depositors of such corporations; providing for and defining bond security banks; and providing for and defining guaranty fund banks; and providing that all banking corporations hereafter formed shall avail their depositors of the protection provided for by this act either for bond security banks or guaranty fund banks at their option; and that all banks heretofore incorporated and all banks incorporated prior to the adoption of the Constitution of 1876 and all national banks transacting business in this State, may, if they desire, at their option, voluntarily avail their depositors of the protection afforded by this act either as bond security banks or guaranty fund banks; amending Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, prescribing additional regulations and safeguards for the protection of depositors and the safe conduct of banking corporations; prescribing powers and duties of the Commissioner of Insurance and Banking, and creating the State Banking Board and prescribing its powers and duties, and providing for penalties for the violation of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History 32
Reported adverse majority; favorable minority 82
Read second time, and laid on table subject to call 200
(Died on table.)

By Senator Kellie:

Senate bill No. 33, A bill to be entitled "An Act to encourage and foster the work of our State School of Correspondence, known and designated as Cosmopolitan Correspondence College, No.

2806 North Guadalupe Street, Austin, Texas."

Read first time, and referred to Committee on Educational Affairs . . . 40
(Died in committee.)

By Senator Cofer:

Senate bill No. 34, A bill to be entitled "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts,' etc.

Read first time, and referred to Committee on Judicial Districts . . . 61
Reported favorably and be not printed 80
Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed 75
Reported engrossed 129
Received from House, with amendments 196
House amendments concurred in . . . 197
Signed 201
Reported enrolled 215

By Senator Terrell of Bowie:

Senate bill No. 35, A bill to be entitled "An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature and by Chapter 106 of the General Laws of the Twenty-ninth Legislature,' and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History 61
Reported favorably 84
Read second time; ordered engrossed; constitutional rule suspended; read third time, and passed 194
Reported engrossed 205
Received from House, with amendments 295
Senate refused to concur in House amendments and requested a Free Conference Committee 296

House grants request for a Free Conference Committee.....	304
House adopts Free Conference Committee report.....	307
Senate adopts Free Conference Committee report.....	309
Signed	368
Enrolled bill in full.....	381

By Senators Mayfield and Sturgeon:

Senate bill No. 36, A bill to be entitled "An Act to provide for the securing of deposits in banks and in trust companies; creating a State Banking Board," etc.

Read first time, and referred to Committee on Insurance, Statistics and History	61
Reported adverse majority; favorable minority.....	81
Read second time, and laid on table subject to call.....	201
(Died on table.)	

By Senator Veale:

Senate bill No. 37, A bill to be entitled "An Act to amend Section —, Chapter 55, page 509, Special Laws of the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1907, entitled 'An Act creating and incorporating Lubbock Independent School District, in Lubbock county, Texas,' " etc.

Read first time, and referred to Committee on Educational Affairs....	65
Reported favorably and be not printed	80
Constitutional rule suspended and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	72
Reported engrossed.....	130
Received from House.....	196
Signed	202
Reported enrolled.....	216

By Senator Greer:

Senate bill No. 38, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas," etc.

Read first time, and referred to Committee on Roads, Bridges and Ferries	90
Reported favorably and be not printed	129
Read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed.....	133

Reported engrossed.....	195
Received from House.....	217
Signed	222
Reported enrolled.....	289

By Senators Sturgeon and Harper:

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owner of property abutting upon such improvements and their property, and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement of the collection of such assessments, and to provide for the submission hereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations	198
Reported favorably and be not printed	205
Read second time, and laid on table subject to call.....	206
Taken up; committee report adopted amended; ordered engrossed; constitutional rule suspended; read third time, and passed.....	207
Reported engrossed.....	215
Received from House, with amendments	249
House amendments concurred in...	251
Signed	258
Enrolled bill in full.....	289

By Senator Holsey:

Senate bill No. 40, A bill to be entitled "An Act providing for the examination of banking corporations created by the Acts of the Legislature of this State, or under any general law, prior to the adoption of the Constitution of this State in 1876, and requiring such banking corporations to make and publish reports of their condition, and providing penalties for violation of this act, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History	199
Reported adverse majority; favorable minority.....	272
Read second time; majority report adopted	315

By Senator Hudspeth:

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth

Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

Read first time, and referred to Committee on Public Lands and Land Office	206
Reported favorably, be not printed, be printed in Journal.....	214
Printing part of report adopted....	214
Bill in full.....	215
Read second time; ordered engrossed; constitutional rule suspended; read third time; and passed.....	217
Reported engrossed.....	223
Received from House, with amendments	295
House amendments concurred in....	299
Signed	310
Reported enrolled.....	383

By Senator Harper:

Senate bill No. 42, A bill to be entitled "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations	216
Reported favorably and be not printed	222
Constitutional rule suspended, and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed	218
Reported engrossed.....	223
Received from House.....	311
Signed	368
Enrolled bill in full.....	382

By Senator Alexander:

Senate bill No. 43, A bill to be entitled "An Act creating the Mansfield Independent School District, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs....	249
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Reported favorably and be not printed	258
Constitutional rule suspended and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed.....	255
Reported engrossed.....	288
Received from House.....	266
Signed	272
Reported enrolled.....	289

By Senators Watson and Meachum:

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4 of an act passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to define and regulate the practice of professional nursing; to create a Board of Nurse Examiners for the examination and licensing of nurses, and to prescribe their qualifications; to provide for their proper registration and for the revocation of certificates, and to fix suitable penalties for the violation of this act, and declaring an emergency,' which said act was known as Senate bill No. 111; and to provide that all nurses who were engaged in nursing at the time of the passage of this act and who shall show to the satisfaction of said board that they are of good moral character and were graduated prior to April 1, 1909, from a training school connected with a general hospital or sanitarium giving two years general training, or prior to the year 1901, having given eighteen months' general training and who maintain in other respects, proper standards, shall be entitled to registration without examination."

Read first time, and referred to Judiciary Committee No. 2.....	300
Reported adversely.....	370

By Senator Watson et al.:

Senate Concurrent Resolution No. 2, Relating to claim of Mrs. H. P. Halde- man, authorizing her to bring suit against the State, etc.

Read first time, and referred to Committee on Public Debt, Claims and Accounts	268
(Died in committee.)	

APPENDIX B.

SIMPLE RESOLUTIONS—HISTORY OF IN SENATE.

<p>By Senator Brachfield: Fixing compensation for officers and employes of the Senate. Read and adopted..... 3</p> <p>By Senator Murray: Providing for a committee to recommend employes to be retained during Called Session. Read, substitute adopted, amended, and adopted..... 3</p> <p>By Senator Alexander: Relating to rules for the Second Called Session. Read and adopted..... 4</p> <p>By Senator Hudspeth et al.: Providing for newspapers for members of the Senate. Read and adopted..... 8</p> <p>By Senator Hudspeth: Requesting Texas members of Congress to vote for a duty on hides. Read and adopted..... 32</p> <p>By Senator Masterson et al.: Extending thanks to the citizens of San Antonio for their entertainment of the Legislature. Read and adopted..... 42</p> <p>By Senator Holsey: Extending thanks to the prosecutors of the Waters-Pierce Oil Co. Read, amended, and adopted..... 66</p> <p>By Senator Harper: Withdrawing certain bills from the printer. Read and adopted..... 197</p> <p>By Senators Meachum and Hudspeth: Authorizing payment of certain expense accounts out of contingent expense appropriation. Read and adopted..... 199</p>	<p>By Senator Hudspeth et al.: Providing for Senator Senter's speech relative to guaranty of bank deposits to be printed in the Journal. Read and adopted..... 216</p> <p>By Senator Ward et al.: Relative to the death of Hon. W. H. Getzendaner. Read and adopted..... 223</p> <p>By Senator Senter: Extending invitation to National Association of Credit Men to meet in Texas in 1910. Read and adopted..... 295</p> <p>By Senator Perkins et al.: Relative to Senator Real presiding. Read and adopted..... 297</p> <p>By Senator Perkins: Thanking newspaper reporters. Read and adopted..... 309</p> <p>By Senator Cofer: Providing for a committee to arrange for post session clerical work. Read and adopted..... 312</p> <p>By Senator Kellie: Thanking certain members for papers furnished. Read, amended, and adopted..... 312</p> <p>By Senator Hayter: Providing postage to mail out Journals and Manuals. Read and adopted..... 312</p> <p>By Senator Holsey: Inviting Hon. Tom Connally to address the Senate. Read and adopted..... 315</p> <p>By Senator Senter: Inviting the International Society of</p>
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Christian Endeavorers to meet in Dallas in 1911.

Read and adopted..... 315

By Senator Hayter:

Providing for printing and distribution of 1500 copies of the bank guaranty bill.

Read and adopted..... 367

By Senator Alexander et al.:

Extending thanks to Hon. A. B. David-

son for courtesies extended to members of the Senate.

Read and adopted by a rising vote.. 367

By Senator Paulus:

Extending thanks to Hon. John G. Willacy.

Read and adopted..... 368

By Senator Watson:

Extending thanks to Senator Real.

Read and adopted..... 368

APPENDIX C.

HOUSE BILLS AND CONCURRENT RESOLUTIONS— HISTORY OF IN SENATE.

House bill No. 2, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount," etc.

Received from House..... 19
Read first time, and referred to Committee on Insurance, Statistics and History..... 20
Reported adverse majority; favorable minority..... 84
Read second time, and laid on table subject to call..... 137
(Died on table.)

House bill No. 4, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, and amending the present State bank law," etc.

Received from House..... 298
Read first time, and referred to Committee on Insurance, Statistics and History..... 299
(Died in committee.)

House bill No. 5. A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk Penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act

shall be cumulative of all other laws in force in this State, and declaring an emergency."

Received from House..... 65
Read first time, and referred to Committee on Internal Improvements 66
Reported favorable majority; adverse minority, with favorable substitute 134
Read second time, majority report adopted, amended, passed to third reading; constitutional rule suspended, read third time, and passed 293, 303
House reports refusal to concur in Senate amendments, and requesting a Free Conference Committee 305
Senate grants request for Free Conference Committee..... 306
House requests new Free Conference Committee..... 311
Senate Free Conference Committee reports failure to agree..... 312
Senate grants request for new Free Conference Committee 314
Senate adopts report of Free Conference Committee..... 367
House reports adoption of Free Conference Committee report..... 368
Signed 370

House bill No. 6, A bill to be entitled "An Act making appropriation for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and declaring an emergency."

Received from House..... 30

Read first time, and referred to Finance Committee..... 31
(Died in committee.)

House bill No. 10, A bill to be entitled "An Act creating the Irving Independent School District in Dallas county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Received from House..... 18
Read first time, and referred to Committee on Educational Affairs... 20
Reported favorably and be not printed 37
Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed 33
Signed 60

House bill No. 13, A bill to be entitled "An Act to reorganize the Thirty-fifth Judicial District; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict therewith."

Received from House..... 18
Read first time, and referred to Committee on Judicial Districts..... 20
Reported favorably and be not printed 37
Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed..... 40
Signed 60

House bill No. 14, A bill to be entitled "An Act to grant a charter to the city of Amarillo, Potter county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Received from House..... 137
Read first time, and referred to Committee on Towns and City Corporations 137
Reported favorably and be not printed 195
Read second time; committee report adopted; passed to third reading;

constitutional rule suspended;
read third time, and passed..... 197
Signed 258

House bill No. 15, A bill to be entitled "An Act to amend Subdivision 6, Section 8, of Article 2, Chapter 71, of the local and special laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas; repealing all laws or parts of laws in conflict herewith,' and declaring an emergency."

Received from House..... 18
Read first time, and referred to Committee on Towns and City Corporations 20
Reported favorably and be not printed 28
Read second time, and laid on table subject to call..... 32
Called up; committee report adopted, and passed to third reading... 34
Read second time, and laid on table subject to call..... 41
Called up; read third time; amended and passed..... 247
House reports concurrence in Senate amendments 249
Signed 271

House bill No. 16, A bill to be entitled "An Act creating the Stamford Independent School District in Jones county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Received from House..... 18
Read first time, and referred to Committee on Educational Affairs... 20
Reported favorably and be not printed 28
Constitutional rule suspended, which placed bill on second reading; Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed... 26
Signed 36

House bill No. 17, A bill to be entitled "An Act to amend Sections 122, 123 and 124, of Chapter 124, of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates."

Received from House.....	35
Read first time, and referred to Committee on Educational Affairs....	35
Reported favorably, with amendments, and be not printed.....	43
Read second time and laid on table subject to call and bill ordered printed in Journal.....	56
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Senate grants request for Free Conference Committee.....	194
Senate adopts Free Conference Committee report.....	199
House reports adoption of Free Conference Committee report.....	221
Signed	222

House bill No. 18, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1909, and ending August 31, 1911, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government ending August 31, 1909, and to pay various miscellaneous claims against the State, and declaring an emergency."

Received from House.....	210
Read first time, and referred to Finance Committee	210
Reported favorably, with amendments, and be not printed	222
Senate committee rule suspended; read second time; amended; amendment pending.....	210
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House reports refusal to concur in Senate amendments and requests a Free Conference Committee....	299
Senate grants request for Free Conference Committee	299
Senate adopts report of Free Conference Committee.....	322
House reports adoption of Free Conference Committee report.....	364
Signed	369

House bill No. 26, A bill to be entitled "An Act to amend Chapter 17 of the General Laws, passed by the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to create the Fifty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche; to provide for the present district judge of the Forty-seventh District acting as judge of the Fifty-second District until the next general election,' etc."

Received from House.....	30
Read first time, and referred to Committee on Judicial Districts.....	31
Reported favorably and be not printed	45
Senate committee rule suspended; read second time; committee report adopted; passed to third reading	41
Read third time, and passed.....	52
Signed	62

House bill No. 29, A bill to be entitled "An Act to prescribe the method of pleading in civil cases in the district and county courts of the State, and to repeal all laws in conflict with this act, and declaring an emergency."

Received from House.....	309
Read first time, and referred to Judiciary Committee No. 1.....	310
(Died in committee.)	

House bill No. 30, A bill to be entitled "An Act to provide for refunding a portion of the public debt and the retirement of certain bonds of the State of Texas, a part thereof maturing on the first day of July, 1909, and a part maturing September 1, 1910; providing for the execution of new bonds in lieu thereof at a lower rate of interest, the manner of exchange and sale of said bonds, and declaring an emergency."

Received from House.....	309
Read first time, and referred to Committee on State Affairs.....	309
Reported favorably and be not printed	374
Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed	313
Signed	370

House bill No. 32, A bill to be entitled "An Act to appropriate the sum of \$100,000, or as much thereof as may be necessary, from the general revenues of the State to be used in operating the

iron industry at the State penitentiary at Rusk, Texas; providing that such money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of same by the State Treasurer, and declaring an emergency."

Received from House.....	226
Read first time, and referred to Committee on State Penitentiaries...	226
Reported favorably and be not printed	259
Senate committee rule suspended; read second time and laid on table subject to call and bill ordered printed in Journal.....	251
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Called up; committee report adopted; amended; passed to third reading; constitutional rule suspended; read third time, and passed	296, 300
House reports concurrence in Senate amendments	305
Signed	369

House bill No. 38, A bill to be entitled "An Act to amend Article 642, Title 21 of the Revised Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150 of the Thirtieth Legislature, by adding to the said Article 642 a new subdivision to be known as 'Subdivision 72,' providing that public corporations may be formed for the purpose of constructing, erecting and repairing buildings and structures of any and all kinds."

Received from House.....	311
Read first time, and referred to Committee on Internal Improvements.	311
Reported favorably and be not printed	375
(Died on calendar.)	

House bill No. 39, A bill to be entitled "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union pas-

senger depots; providing penalties; and declaring an emergency."

Received from House.....	225
Read first time, and referred to Committee on Internal Improvements	226
Reported favorably and be not printed, and with amendments.....	305
Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed	301
Signed	310

House bill No. 40, A bill to be entitled "An Act to further and better define the status and title of the public free school lands heretofore granted to the several counties of the State of Texas for public free school purposes," etc.

Received from House.....	137
Read first time, and referred to Committee on Public Lands and Land Office	137
(Died in committee.)	

House bill No. 41, A bill to be entitled "An Act to provide for appeal upon bill of exceptions, and prescribing the procedure in such cases."

Received from House.....	137
Read first time, and referred to Judiciary Committee No. 1.....	137
(Died in committee.)	

House bill No. 43, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas."

Received from House.....	34
Read first time, and referred to Committee on Educational Affairs...	34
Reported favorably and be not printed	44
Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed.....	58
Signed	62

House bill No. 44, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District in Coke county, Texas."

Received from House.....	34
Read first time, and referred to Committee on Educational Affairs..	34
Reported favorably and be not printed	43
Read second time; committee report adopted; constitutional rule suspended; read third time, and passed	59
Signed	62

House bill No. 45, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies, and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act; and declaring an emergency."

Received from House..... 226
Read first time, and referred to Judiciary Committee No. 1..... 226
Reported favorably and be printed in Journal, with adverse minority report 371
(Died on calendar.)

House bill No. 47, A bill to be entitled "An Act to amend Chapter 144, Section 9 of an act passed by the Thirtieth Legislature, relating to the protection of the wild game within the State of Texas."

Received from House..... 265
Read first time, and referred to Judiciary Committee No. 2..... 265
Reported adversely..... 371

House bill No. 48, A bill to be entitled "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts."

Received from House..... 137
Read first time, and referred to Committee on Judicial Districts..... 137
Reported favorably and be not printed 259
Read second time; committee report adopted; passed to third reading:

constitutional rule suspended;
read third time, and passed..... 306
Signed 369

House bill No. 51, A bill to be entitled "An Act relating to, and to provide for, a more systematic, efficient and economical method of bookkeeping and accounting for the General Land Office of the State of Texas, as pertains to the keeping of accounts and data relative to the public lands of the State, the sales thereof, and payment and collection of principal and interest thereon, and providing for forfeiture and cancellation of sales; repealing Article 4048, of Chapter 2, of Title 87, of the Revised Civil Statutes of 1895, relating to the filing and endorsement of papers and documents placed in the General Land Office; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Received from House..... 257
Read first time, and referred to Committee on State Affairs..... 260
Reported favorably and be not printed 274
Constitutional rule suspended, which placed bill on second reading; Senate committee rule suspended; read second time; committee report adopted, and laid on table subject to call..... 261
Called up; passed to third reading; constitutional rule suspended; read third time, and passed..... 293
Signed 304

House bill No. 52, A bill to be entitled "An Act to amend Articles 3923, 3924, 3926a and 3926b, and to repeal Article 3924a, of Chapter 8, Title 86, of the Revised Statutes of 1895; providing a system of apportioning, distributing and accounting of the available school fund of the State, county, city and school districts; providing procedure; prescribing duties of Superintendent of Public Instruction, Comptroller and treasurers of school funds."

Received from House..... 258
Read first time, and referred to Committee on State Affairs..... 260
Reported favorably and be printed in Journal..... 272
Read second time; passed to third reading; constitutional rule suspended; read third time, and passed 313
Signed 369

House bill No. 53, A bill to be entitled "An Act providing for the election.

qualification, bond and duties of the State Treasurer, and the duties of his employes; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties; providing methods for the receiving and handling of all funds, warrants and other claims."

Received from House..... 260
Read first time, and referred to Committee on State Affairs..... 260
Reported favorably and be not printed 305
Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed..... 307
Signed 369

House bill No. 55, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts, the duties of his employes; providing a complete system of accounting, bookkeeping and auditing of accounts of the department and of other departments and officers of the government; providing that the Comptroller shall prepare forms to be used exclusively in making reports and claims; providing a system for the collection and handling of revenue of all kinds; providing for appointment of chief clerk and prescribing his duties; providing for filling vacancies."

Received from House..... 311
Read first time, and referred to Committee on State Affairs..... 311
Reported favorably and be not printed 374
(Died on calendar.)

House bill No. 56, A bill to be entitled "An Act to constitute the Governor, the chairman of the Railroad Commission, the Secretary of State a board of accounting to put in force a system of accounting for the departments of Comptroller, General Land Office and Treasury, in pursuance of the provisions of the laws passed by the First Called Session of the Thirty-first Legislature; making an appropriation to carry them into effect, and declaring an emergency."

Received from House 311
Read first time, and referred to Committee on State Affairs..... 311
(Died in committee.)

House bill No. 58, A bill to be entitled "An Act to amend the city charter of the city of Greenville and the acts

amendatory of said city charter of the city of Greenville, and to amend an act to amend said charter, approved the 22d day of March, 1900, by amending Section 1 of Article 3, Section 13a of Article 8 and Subdivision 18 of Section 15 of Article 8, and declaring an emergency."

Received from House..... 65
Read first time, and referred to Committee on Towns and City Corporations 66
Reported favorably and be not printed 81
Constitutional rule suspended, which placed bill on second reading; Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed 70, 71
Signed 134

House bill No. 60, A bill to be entitled "An Act to repeal Article 762, Chapter 6, Title 8, of the Code of Criminal Procedure of the State of Texas."

Received from House..... 298
Read first time, and referred to Judiciary Committee No. 2..... 298
Reported adversely 370

House bill No. 61, A bill to be entitled "An Act to amend Subdivision 21, Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, as amended by an act of the Twenty-eighth Legislature, Chapter 44, page 62, entitled 'An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring with power to maintain and operate street railways and suburban or belt lines of railways within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities,' so as to authorize corporations organized under said subdivision of said act to use electricity, steam or other motive power, and to confer upon such corporation the right of eminent domain; providing that such railways shall not be subject to the control of the Railroad Commission, and declaring an emergency."

Received from House..... 196
Read first time, and referred to Committee on Internal Improvements. 196

Reported favorably, with amendments, and be not printed..... 204
 Read second time; committee report adopted; amended; passed to third reading; constitutional rule suspended; read third time, and passed 206
 Signed 222

House bill No. 71, A bill to be entitled "An Act to amend Section 2 of House bill No. 68, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of licenses, and fixing penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency,' approved February 24, 1909, so that said Section 2 of said act shall read as follows."

Received from House..... 248
 Read first time, and referred to Judiciary Committee No. 2..... 248
 Reported favorably and be not printed 258
 Constitutional rule suspended, which placed the bill on second reading; Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed 254
 Signed 271

House bill No. 72, A bill to be entitled "An Act to amend Section 114 and Section 120 of Chapter 2 of the Acts of the First Called Session of the Twenty-ninth Legislature, as amended by Chapter 177 of the Acts of the Thirtieth Legislature of 1907, relating to elections, manner of holding, and prescribing the duties of the district chairman and executive committee of the various districts, and prescribing mode of canvassing the returns and declaring result in districts composed of only one county, and repealing all laws in conflict herewith."

Received from House..... 301
 Read first time, and referred to Committee on Privileges and Elections 301
 Committee report withdrawn and bill re-referred to Committee on Privileges and Elections..... 308
 Refused to take up..... 315
 Reported favorably, with amendments, and be not printed..... 374
 (Died on calendar.)

House bill No. 75, A bill to be entitled "An Act creating the North Zulch Independent School District in Madison county, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the general laws, and declaring an emergency."

Received from House..... 217
 Read first time, and referred to Committee on Educational Affairs... 217
 Reported favorably and be not printed 245
 Senate Committee rule suspended; read second time; committee report adopted; read third time, and passed 224
 Signed 258

House bill No. 76, A bill to be entitled "An Act to amend Section 126 of Chapter 11 of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature of 1905, entitled 'An Act to regulate elections, general, special and primary, and political conventions, approved April 1, 1903,' and also to amend Section 141 of said Chapter 11 as passed at the First Called Session of the Twenty-ninth Legislature and as amended by the Thirtieth Legislature, approved April 30, 1907, relative to contests in primary elections."

Received from House..... 266
 Read first time, and referred to Committee on Privileges and Elections 266
 Reported favorably and be not printed 288
 Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed 307
 Signed 369

House bill No. 78, A bill to be entitled "An Act to abolish the Alexander Independent School District in Erath county, Texas, and declaring an emergency."

Received from House..... 266
 Read first time, and referred to Committee on Educational Affairs... 266
 Reported favorably and be not printed 259
 Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed 250
 Signed 271

House bill No. 81, A bill to be entitled "An Act to amend the city charter of

the city of Greenville and the acts amendatory of said city charter of the city of Greenville, and to amend an act to amend charter, approved the 22d day of March, 1909, by amending Section 1 of Article 3, Section 13a of Article 10 and Subdivision 18 of Section 15 of Article 10, and repealing an act amending said charter, approved April, 1909, and declaring an emergency."

Received from House..... 248

Read first time, and referred to Committee on Towns and City Corporations 248

Reported favorably and be not printed 250

Constitutional rule suspended (which placed bill on second reading); Senate committee rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed 252

Signed 272

House Concurrent Resolution No. 1. Relating to the use of Roman numerals.

Received from House..... 10

Read first time, and referred to Committee on Rules..... 10
(Died in committee.)

House Concurrent Resolution No. 2, Relating to the printing of the laws passed by the Thirty-first Legislature.

Received from House..... 10

Read first time, and referred to Committee on Public Printing..... 10
(Died in committee.)

House Concurrent Resolution No. 3, Providing for transferring a portion of the contingent fund.

Received from House..... 19

Read first time, and referred to Committee on Contingent Expenses.. 20
(Died in committee.)

House Concurrent Resolution No. 4, Relating to gambling in agricultural products.

Received from House..... 309

Read first time, and referred to Committee on Agricultural Affairs... 310

Reported favorably and be not printed 374

Senate committee rule suspended; resolution read; committee report adopted, and resolution adopted.. 366

ERRATA.

The following errata is made necessary on account of unavoidable clerical errors in printing the final Journal:

On page 219, Senate bill No. 3 should show as being read second time instead of third time.

On page 366, under head of Executive Session, the name of George E. Kelly should appear in the list of confirmations.

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OF THE
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BEING THE

Third and Fourth Called Sessions

OF THE

THIRTY-FIRST LEGISLATURE

BEGUN AND HELD AT

**The City of Austin, July 19, 1910
and August 18, 1910**



AUSTIN, TEXAS:
VON BOECKMANN-JONES COMPANY, PRINTERS

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AUSTIN, TEXAS:
VON BOECKMANN-JONES COMPANY, PRINTERS
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President of Senate—A. B. Davidson.....	Cuero, Texas.
President Pro Tem.—D. M. Alexander.....	Weatherford, Texas.
District No. 1—J. M. Terrell.....	Texarkana, Texas.
District No. 2—J. L. Ratliff.....	Cooper, Texas.
District No. 3—B. B. Sturgeon.....	Paris, Texas.
District No. 4—R. E. Cofer.....	Gainesville, Texas.
District No. 5—Tom W. Perkins.....	McKinney, Texas.
District No. 6—E. G. Senter.....	Dallas, Texas.
District No. 7—W. J. Greer.....	Wills Point, Texas.
District No. 8—Charles L. Brachfield.....	Henderson, Texas.
District No. 9—W. R. Holsey.....	Corsicana, Texas.
District No. 10—Pierce B. Ward.....	Cleburne, Texas.
District No. 11—H. B. Terrell.....	West, Texas.
District No. 12—A. J. Harper.....	Mexia, Texas.
District No. 13—C. C. Stokes*.....	Crockett, Texas.
District No. 14—E. I. Kellie.....	Jasper, Texas.
District No. 15—McDonald Meachum.....	Navasota, Texas.
District No. 16—F. Charles Hume, Jr.....	Houston, Texas.
District No. 17—J. E. Kauffman.....	Galveston, Texas.
District No. 18—D. A. Paulus.....	Hallettsville, Texas.
District No. 19—Q. U. Watson.....	Giddings, Texas.
District No. 20—John L. Peeler.....	Austin, Texas.
District No. 21—F. C. Weinert.....	Seguin, Texas.
District No. 22—W. O. Murray.....	Floresville, Texas.
District No. 23—John G. Willacy.....	Corpus Christi, Texas.
District No. 24—Julius Real.....	Kerrville, Texas.
District No. 25—C. B. Hudspeth.....	El Paso, Texas.
District No. 26—W. N. Adams.....	Brownwood, Texas.
District No. 27—E. B. Mayfield.....	Meridian, Texas.
District No. 28—W. J. Bryan.....	Abilene, Texas.
District No. 29—J. W. Veale.....	Amarillo, Texas.
District No. 30—D. M. Alexander.....	Weatherford, Texas.
District No. 31—C. V. Terrell.....	Decatur, Texas.
Secretary—Clyde D. Smith.....	Austin, Texas.
Journal Clerk—R. M. Gilmore.....	Wills Point, Texas.

*Died on August 12, 1910.

SENATE JOURNAL.

THIRTY-FIRST LEGISLATURE—THIRD CALLED SESSION.

PROCEEDINGS.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Tuesday, July 19, 1910.

In obedience to the call of His Excellency T. M. Campbell, Governor of the State of Texas, convening the Thirty-first Legislature in Special Session, this the 19th day of July, 1910, the Senate met in the Senate Chamber of the Capitol in the city of Austin at 2 o'clock p. m., and was called to order by President Pro Tem. A. J. Harper of Limestone county

TEMPORARY OFFICERS.

The Chair appointed the following temporary officers:

Clyde D. Smith, Secretary.
R. M. Gilmore, Journal Clerk.
M. F. Hornbuckle, Sergeant-at-Arms.
D. F. Hughes, Assistant Sergeant-at-Arms.
E. L. Dreeben, Doorkeeper.
Jerrold Belcher, Page.

The Chair directed the roll to be called, a quorum being present, the following Senators answering to their names:

W. N. Adams of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

D. M. Alexander of Parker county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

Charles L. Brachfield of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

W. J. Bryan of Taylor county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

R. E. Cofer of Cooke county, representing District No. 4, composed of the counties of Grayson and Cooke.

W. J. Greer of Van Zandt county, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

A. J. Harper of Limestone county, representing District No. 12, composed of the counties of Limestone, Freestone, Robertson and Brazos.

W. R. Holsey of Navarro county, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

C. B. Hudspeth of El Paso county, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick, Mason, Crockett, Reagan and Terrell.

F. Charles Hume, Jr., of Harris county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

E. I. Kellie of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

McDonald Meachum of Grimes county, representing District No. 15, composed of the counties of Leon, Madison,

Grimes, Montgomery, Walker, San Jacinto and Polk.

W. O. Murray of Wilson county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

D. A. Paulus of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

John L. Peeler of Travis county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

Tom W. Perkins of Collin county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

Julius Real of Kerr county, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

C. C. Stokes of Houston county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

H. B. Terrell of McLennan county, representing District No. 11, composed of the counties of McLennan, Falls and Milam.

Pierce B. Ward of Johnson county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

Q. U. Watson of Lee county, representing District No. 19, composed of the counties of Washington, Burleson, Lee and Bastrop.

F. C. Weinert of Guadalupe county, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

John G. Willacy of Nueces county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit and La Salle.

ABSENT.

E. B. Mayfield of Bosque county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

E. G. Senter of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

B. B. Sturgeon of Lamar county, representing District No. 3, composed of the counties of Fannin and Lamar.

J. M. Terrell of Bowie county, repre-

sending District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

J. W. Veale of Potter county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

SEATS VACANT.

District No. 2.—Member resigned.

District No. 17.—Member resigned.

District No. 31.—Member resigned.

Prayer by Rev. H. M. Sears, as follows:

Almighty God, our Heavenly Father, we thank Thee for the kind providences which have been over us since our last assembly in this place. While we have been wandering about a loving eye has pursued each of us, and we thank Thee that we are permitted to come together in accordance with the proclamation of the Governor of our great Commonwealth; and at the very opening of this session we would approach Thee and seek that preparation of heart and intellect that will fit us for the work that is now before us. May each member of this Legislature get a clear insight as to the needs of our great State, and may each member seek that wisdom that cometh down from above that will guide him into a proper and faithful discharge of all duties. Bless our State with a wise and judicious administration; bless the Governor of our State, and may his administration be so wisely conducted that it will bring the greatest blessing to the greatest number of our people. Bless the President of this Senate who is at this time grieving over the death of a departed and loving mother. Give him, oh Lord, the consolation of our holy religion in this his sad hour; bless his aged father in his much feebleness and age. The Lord be present in that home and give comfort and consolation. Bless our loved ones that are left at home. Bless us all for life labors and give courage to do our work and at last

bring us all to Thyself in great peace, through Jesus Christ our Lord. Amen.

PERMANENT ORGANIZATION RESOLUTION.

Senator Hume offered the following resolution:

Resolved, That the officers and employes hereafter designated are essential to the proper service of the Senate, and shall be appointed and elected and receive compensation as hereinafter provided, and shall continue until discharged by the same authority which elects or appoints them to the respective offices or employments to which they shall be elected or appointed, provided that such employment shall not extend beyond this Special Session.

2. That the Senate shall by ballot elect the following officers: Secretary, Assistant Secretary, Sergeant-at-Arms, Assistant Sergeant-at-Arms and Clerk to the Sergeant-at-Arms, or Bookkeeper, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Assistant Calendar Clerk, Enrolling Clerk, Assistant Enrolling Clerk, Engrossing Clerk, Assistant Engrossing Clerk, Doorkeeper, Assistant Doorkeeper, Chaplain and such committee clerks as may be necessary for the Senate, two general clerks, all of whom shall be assigned by the President of the Senate to their respective duties; Clerk of the Finance Committee. Each of said officers shall receive as compensation for their services the sum of five dollars (\$5.00) per day.

3. The President of the Senate shall appoint the following officers and employes of the Senate, viz.: A Private Secretary and a Postmaster, who shall each receive the sum of five dollars (\$5.00) per day. Seven pages, who shall receive the sum of two dollars (\$2.00) per day; and six porters, who shall receive the sum of two dollars (\$2.00) per day.

4. In presenting the name of the candidates for the various places to be filled by election, the Senator presenting a candidate shall write the name of the candidate on a slip of paper and send the same to the Secretary to be read, and nominating and seconding speeches shall be and are dispensed with.

5. That the Senate do now proceed to elect, by ballot, the officers, which by the resolution it is required to elect.

6. Resolved, That all officers and

employes of the Senate shall be subject to special assignment by the President of the Senate, at his discretion, and that he shall have authority to change or to add to their duties whenever, in his judgment, the occasion may exist therefor.

Senator Watson offered the following amendment:

Amend the resolution by adding to the end of Section 2 the following: "Except the Secretary of the Senate and the Journal Clerk, who shall each receive the sum of seven dollars and fifty cents (\$7.50) per day each."

The amendment was read and adopted by the following vote:

Yeas—14.

Harper.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Terrell of McLennan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—9.

Adams.	Greer.
Alexander.	Holsey.
Brachfield.	Stokes.
Bryan.	Willacy.
Cofer.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

Senator Brachfield offered the following amendment, which was read and adopted:

Amend by striking out the following officers: "Finance Clerk, Assistant Calendar Clerk, Assistant Enrolling Clerk, Assistant Engrossing Clerk."

The resolution was then adopted as amended.

PERMANENT ORGANIZATION.

In accordance with the above resolution the Senate proceeded to the election of officers.

Senators Cofer, Stokes and Brachfield were appointed tellers.

The election of President Pro Tem. of the Third Called Session of the Senate of the Thirty-first Legislature being in order, Senator Hudspeth placed in nomination for that place Senator D. M. Alexander of Parker county.

There being no other nomination, the

Chair declared nominations closed, and Senator Alexander received 22 (all votes present) and was declared duly and constitutionally elected President Pro Tem.

OATH OF OFFICE ADMINISTERED.

The Chair (President Pro Tem. Harper) here administered the constitutional oath of office to Senator Alexander.

(President Pro Tem. Alexander presiding.)

HOUSE ORGANIZED.

Here a committee of three from the House of Representatives appeared before the bar of the Senate and notified the Senate that the House was organized and ready for the transaction of business.

PERMANENT ORGANIZATION.

The Senate then proceeded to permanent organization, and the following officers were nominated, Senator Hume making all the nominations:

Nominations for Secretary being in order, Clyde D. Smith of Wicnita county was nominated.

There were no other nominations.

Mr. Smith received 22, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Secretary being in order, R. M. Love of Limestone county was nominated.

There were no other nominations.

Mr. Love received 22, all the votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Sergeant-at-Arms, M. F. Hornbuckle of Bosque county was nominated.

There were no other nominations.

Mr. Hornbuckle received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Sergeant-at-Arms being in order, D. F. Hughes of Limestone county was nominated.

There were no other nominations.

Mr. Hughes received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Journal Clerk being in order, R. M. Gilmore of Van Zandt county was nominated.

There were no other nominations.

Mr. Gilmore received 21, all votes

cast, and was declared duly and constitutionally elected.

Nominations for Assistant Journal Clerk being in order, J. L. Haidusek of Fayette county was nominated.

There were no other nominations.

Mr. Haidusek received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Calendar Clerk being in order, C. J. Duggan was nominated.

There were no other nominations.

Mr. Duggan received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Doorkeeper, J. R. Waties of Harris county was nominated.

There were no other nominations.

Mr. Waties received 23, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Assistant Doorkeeper, E. L. Dreeben of Howard county was nominated.

There were no other nominations.

Mr. Dreeben received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Chaplain being in order, Rev. H. M. Sears was nominated.

There were no other nominations.

Rev. Sears received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Enrolling Clerk being in order, S. E. Gideon was nominated.

There were no other nominations.

Mr. Gideon received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Engraving Clerk, F. P. Smith of Cooke county was nominated.

There were no other nominations.

Mr. Smith received 22, all votes cast, and was declared duly and constitutionally elected.

OATH OF OFFICE ADMINISTERED.

Here the Chair (President Pro Tem. Alexander) administered the constitutional oath of office to the elected officers of the Senate, except Mr. S. E. Gideon, who was absent. After some delay Mr. Gideon was present and was sworn in.

NOTIFICATION COMMITTEES.

Senator Brachfield here moved that a committee of three Senators each be ap-

pointed to notify the House of Representatives and the Governor that the Senate was organized and ready for the transaction of business.

The motion was adopted and the following committees were appointed:

To notify the House: Senators Murray, Holsey and Cofer.

To notify the Governor: Senators Brachfield, Kellie and Peeler.

STENOGRAPHERS AND EMPLOYEES —ELECTION OF.

Senator Hume made the following nominations as stenographers, etc., which was read and adopted by acclamation:

Misses Iva Chaffin, Jennie Brin, Eula Hurlock, T. H. Bell, Addie Conover, Bonna Whitaker, Mrs. H. H. Hawkins and Messrs. W. R. Vermillion, William Hunter, Will Connally, Terry Hausmann, Chas. M. Barnes.

SIMPLE RESOLUTION.

Senator Willacy offered the following resolution, which was read and unanimously adopted by a rising vote:

Whereas, Almighty God in His wisdom has seen fit to call into His kingdom the beloved mother of our Lieutenant Governor, the Honorable A. B. Davidson, and

Whereas, We, his colleagues, deeply sympathize with him, the President of the Senate in this his hour of grief; therefore, be it

Resolved, That the Senate extend its sympathy to our beloved colleague and presiding officer, and that when adjournment is taken this day, it shall be as a token of respect for him and for his loved one now called to a higher home.

Signed—Willacy, Brachfield, Cofer, Murray, Peeler, Weinert, Greer, Stokes, Hume, Kellie, Hudspeth, Paulus, Real, Ward, Perkins, Terrell of McLennan, Alexander, Holsey, Meachum, Adams, Watson, Bryan, Harper.

NOTIFICATION COMMITTEES — REPORT OF.

Here the Committee to Notify the Governor that the Senate was organized and ready for business reported that they had performed said duty and asked to be discharged.

The like Committee to Notify the House of the Senate's organization also made their report and were discharged.

GOVERNOR'S PROCLAMATION.

The Chair here had read to the Senate the following proclamation by the Governor convening the Thirty-first Legislature in Third Called Session:

Executive Office,
State of Texas.

I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a Special Session of the Thirty-first Legislature, to convene in the city of Austin, Texas, beginning at 2 o'clock p. m., Tuesday, July 19, 1910, for the following purposes, to-wit:

1. To enact a law repealing the law enacted by the Thirty-first Legislature at its First Called Session, known as Chapter 18, and entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurances, and to prevent discrimination therein and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

2. To enact adequate laws preventing discriminations by fire insurance companies and to prevent combinations between such companies to destroy competition in fire insurance rates in Texas, and to provide penalties therefor and to provide means for the enforcement of such laws.

3. To consider and act upon such other matters as may hereafter be presented by me, pursuant to Section 40, Article 3, of the Constitution of the State of Texas.

In testimony whereof I have set my hand and caused the seal of the State of Texas to be affixed at Austin, Texas, this the 15th day of June, A. D. 1910.

(Seal.) T. M. CAMPBELL,
Governor of Texas.

By the Governor,
W. B. TOWNSEND,
Secretary of State.

The State of Texas,
Department of State.

I, W. B. Townsend, Secretary of State of the State of Texas, do hereby certify

that the attached and foregoing is a true and correct copy of the Proclamation of the Governor of the State of Texas, calling a Special Session of the Thirty-first Legislature of the State of Texas, to convene in the city of Austin, Texas, beginning at 2 o'clock p. m., Tuesday, July 19, 1910, as said Proclamation appears on file in this Department.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the Seal of State, at my office in the city of Austin, Texas, on this the 19th day of July, A. D. 1910.

(Seal) W. B. TOWNSEND,
Secretary of State.

BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty-one thousand dollars (\$51,000) or so much thereof as may be necessary to pay the mileage and per diem of members and per diem of employees of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars (\$10,000) to pay the contingent expenses of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

Read first time and referred to Finance Committee.

By Senator Hudspeth:

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

OTHER EMPLOYES.

Here Senator Hume nominated P. J. Alexander as General Clerk and Dennis Corwin Bookkeeper to the Sergeant-at-Arms, said nominations having been omitted from the original list.

The above nominations were confirmed by the Senate.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, July 19, 1910.

To the Senate and House of Representatives:

In response to a popular demand and in obedience to what appeared to be a general desire of the insuring public, this Legislature, at its First Called Session, enacted, and the Executive approved, the law contained in Chapter 18 of the General Laws of the Thirty-first Legislature, and known as the Fire Rating Law.

At the time of the enactment of this law and for many years prior thereto there was a widespread and well-founded dissatisfaction with general fire insurance conditions, and especially was there dissatisfaction with respect to the fire insurance premium rates, and the people were ready to welcome almost any proposed remedy for the evils and inequalities obtaining. It was a matter of common knowledge that small property owners were uniformly required to pay higher rates of insurance than their more fortunate neighbors with large holdings. Under conditions then existing the fire insurance premium rates were unfair, inequitable and affected adversely a majority of the individuals composing the insuring public. The assurances of benefits to accrue to the people under the law as proposed and enacted won for it in advance almost universal approval. It had for its object the regulation and control of fire insurance premium rates, the prevention of so much fire waste and not only a reduction of fire insurance premium charges, but a more equitable adjustment of fire insurance rates applying on property covered by insurance in Texas. The unusual fire waste in the State, together with the inequitable and unequal premium rates charged by the fire insurance companies created the demand for legislative action, and while the action taken is believed to be a move in the right direction and while regulation of fire insurance companies and of fire insurance rates is believed to be sound in principle, still the law as framed and as attempted to be applied under technical construction, has been a disappointment to its friends and to the insuring public. That it is defective and inade-

quate and that it is insufficient to meet and correct the acknowledged evils, all will now admit. That a law under which existing conditions are possible should not stand, but should be repealed, is a proposition that can not be successfully combated.

Some of the defects in the act were apparent at the time of its approval by the Executive, but, inasmuch as it carried with it a discretion to be exercised in its enforcement by the officers charged with the duty, and indulging the hope and belief that such discretion would be employed in the interests of the people and with fairness to the companies, and having every confidence that such discretion would always be exercised in an effort to give full force and effect to the manifest intention of the Legislature, and believing that a fair test of the principle involved could be and would be made, I approved it, and undertook to provide relief to the people under its provisions. It was believed that the principle of State regulation and control of fire insurance premium rates was practicable under just regulation laws, and that the State should not hesitate to assume and discharge that duty. It was also believed that the law as passed, although defective in many important essentials, would by a practical administration, vindicate the wisdom of entering this new field of corporation regulation. The people were, and are, entitled to a fair test of the principle under an effective and comprehensive law. It was inconceivable at the time of the enactment of the law that the legislative intention would be so warped by tortured and technical construction, as to furnish the insurance companies an opportunity to levy additional tribute and oppress the people. The fact remains, however, that the insurance companies are attempting to avail themselves of their surprising opportunity, and are proceeding along lines which will necessarily result in a loss to the insuring public of hundreds of thousands of dollars per annum.

The law which was intended to secure reasonable and fair premium rates under regulations fair and just to all, has been given an interpretation by the insurance companies which was never intended. Corporate greed again asserts itself and a combination of circumstances with which the public is familiar, have brought about the intol-

erable situation which demands legislative action. Conditions have arisen which demonstrate the inadequacy of the law as framed, and as an effort to amend the law might result in further complications and difficulties, the following appropriate procedure is respectfully recommended:

1. The passage of a bill repealing the law referred to outright.

2. The enactment of an adequate law to prevent combinations by the insurance companies to destroy competition in fire insurance rates in Texas; providing appropriate penalties therefor and providing means for the enforcement of same.

3. The enactment of a law regulating and controlling fire insurance companies doing business in this State, and the regulation and control of fire insurance premium rates; to establish and fix rates and to effectively prevent the use of what is known as the "key rates," recently promulgated by the fire insurance companies. Such law as may be enacted should provide proper penalties for all violations of the law and embrace ample provisions for the enforcement thereof.

4. The enactment of a law prescribing the conditions under which fire insurance companies chartered under the laws of other States may secure permits to do business in Texas and providing that such companies shall show by appropriate proof and in manner and form to be prescribed by the law, that the company has never at any time undertaken to dominate legislation by threats to withdraw from the State, and that the company has never at any time withdrawn from this State or ceased to do business in Texas on account of any law enacted by a Legislature of Texas.

Fire insurance companies, and other corporations, undertaking to dominate legislation by threats to withdraw from the State, and companies that actually withdraw from the State or cease to do business in the State for such reasons, should not be permitted to re-enter the State on any condition, and adequate laws in this respect are respectfully recommended.

There are other important subjects that will be presented for the attention and consideration of the Legislature at an early date, but for the present the following additional subjects

only are presented to your honorable bodies for consideration:

1. The enactment of, suitable and effective laws to prohibit the exhibition of prize fights or glove contests by means of the moving picture films or other devices, in moving picture shows, or elsewhere, by any association, corporation or individual, and also to prevent immoral exhibitions by and through such agencies.

2. The enactment of a law making appropriations to construct, enlarge and equip additional buildings for the care and treatment of the colored insane at the State Asylum at Austin and for other necessary repairs and equipment for that institution.

Ample provision has been made for all the insane except perhaps seventy-five negroes now confined in county jails, for whose care and treatment accommodations should be provided without delay.

I will again communicate with the Legislature during the coming week, and from time to time as the welfare of the people may demand.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

COMMITTEE REPORTS.

(By Unanimous Consent.)

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty-one thousand dollars (\$51,000), or so much thereof as may be necessary, to pay mileage and per diem of members and per diem of employes of the Third Called Session of the Thirty-first Legislature, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Weinert, Peeler, Murray, Paulus, Harper, Brachfield, Holsey, Meachum.

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars (\$10,000) to pay the contingent expenses of the Third Called Session of the Thirty-first Legislature, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Weinert, Peeler, Murray, Paulus, Harper, Brachfield, Holsey, Meachum.

SENATE BILL NO. 1.

Senator Willacy here moved that the Senate rule requiring committee reports to lie over for one day be suspended, and that Senate bill No. 1 be placed before the Senate as regular order.

The motion was adopted by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Meachum.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Hume.

Kellie.	Stokes.
Meachum.	Terrell of McLennan.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.
Real.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty-one thousand dollars (\$51,000), or so much thereof as may be necessary, to pay mileage and per diem of members and per diem of employes of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted, on motion of Senator Willacy.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Meachum.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.

Meachum.	Stokes.
Murray.	Terrell of McLennan.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.

Absent.

Hume.	Sturgeon.
Mayfield.	Terrell of Bowie.
Senter.	Veale.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 2.

Senator Willacy moved that the Senate rule requiring committee reports to lie over for one day be suspended, and that Senate bill No. 2 be placed before the Senate as regular order.

The motion was adopted by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.

Absent.

Bryan.	Sturgeon.
Mayfield.	Terrell of Bowie.
Senter.	Veale.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kellie.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Holsey.	Perkins.

Real. Watson.
Stokes. Weinert.
Terrell of McLennan. Willacy.
Ward.

Absent.

Mayfield. Terrell of Bowie.
Senter. Veale.
Sturgeon.

The Chair laid before the Senate, on second reading,

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars (\$10,000) to pay the contingent expenses of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams. Murray.
Alexander. Paulus.
Brachfield. Peeler.
Bryan. Perkins.
Cofe. Real.
Greer. Stokes.
Harper. Terrell of McLennan.
Holsey. Ward.
Hudspeth. Watson.
Hume. Weinert.
Kellie. Willacy.
Meachum.

Absent.

Mayfield. Terrell of Bowie.
Senter. Veale.
Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams. Meachum.
Alexander. Murray.
Brachfield. Paulus.
Bryan. Peeler.
Cofe. Perkins.
Greer. Real.
Harper. Stokes.
Holsey. Terrell of McLennan.
Hudspeth. Ward.
Hume. Watson.
Kellie. Willacy.

Absent.

Mayfield. Terrell of Bowie.
Senter. Veale.
Sturgeon. Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 1—ADOPTION OF.

Senator Cofe offered the following Senate Concurrent Resolution No. 1:

Be it resolved by the Senate, the House of Representatives concurring. That when the Senate and House of Representatives adjourn today that they adjourn until Monday, the 25th day of July, A. D. 1910, at 10:30 o'clock a. m.

COFE.
MURRAY.
PEELER.
WILLACY.
MEACHUM.
ADAMS.
PERKINS.
WATSON.
WEINERT.
HUME.

The resolution was read, and adopted by the following vote:

Yeas—18.

Adams. Paulus.
Alexander. Peeler.
Cofe. Perkins.
Harper. Real.
Hudspeth. Terrell of McLennan.
Hume. Ward.
Kellie. Watson.
Meachum. Weinert.
Murray. Willacy.

Nays—4.

Brachfield. Holsey.
Greer. Stokes.

Absent.

Bryan. Sturgeon.
Mayfield. Terrell of Bowie.
Senter. Veale.

SIMPLE RESOLUTION.

By Senator Perkins:

Be it resolved by the Senate, That each Senator be permitted to subscribe

for five daily newspapers, to be paid for out of the contingent expense fund of the Senate.

PERKINS,
BRYAN,
WATSON,
HUDSPETH,
HARPER,
MEACHUM,
WARD,
HOLSEY,
ADAMS,
REAL.

Senator Cofer offered the following amendment:

Amend by inserting in lieu of "five" the word "three."

COFER,
STOKES,
GREER,
BRACHFIELD,
PEELER.

Senator Hudspeth moved to table the amendment, which motion was adopted by the following vote:

Yeas—11.

Adams.	Paulus.
Bryan.	Perkins.
Harper.	Real.
Hudspeth.	Watson.
Kellie.	Weinert.
Meachum.	

Nays—10.

Alexander.	Peeler.
Brachfield.	Stokes.
Cofer.	Terrell of McLennan.
Greer.	Ward.
Murray.	Willacy.

Absent.

Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Mayfield.	Veale.
Senter.	

The resolution was then adopted.

By unanimous consent the Senate was here at ease for an indefinite time, and was again called to order by the President Pro Tem. Alexander.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 2, A bill to be entitled "An Act making an appropriation to pay the per diem and mileage of members and per diem of officers and employees of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Alexander) had referred, after their captions had been read, the following House bills:

House bill No. 2, referred to Finance Committee.

House bill No. 3, referred to Finance Committee.

AT EASE.

The Senate was again at ease for a short time, and after being called to order the following committee report was presented by unanimous consent. Also while at ease Mr. H. A. Dodson of Nacogdoches presented to the Senate a gavel made from the timber of a historic tree in his county.

COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 2, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and the per diem of officers and employees of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Murray, Harper, Meachum, Peeler, Holsey, Brachfield.

HOUSE BILL NO. 2.

Senator Willacy moved that the Senate rule requiring committee reports to lie over for one day be suspended. The roll call developed no quorum present, the following Senators answering to their names:

Yeas—20.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Hume.	Sturgeon.
Mayfield.	Terrell of Bowie.
Paulus.	Veale.
Senter.	Weinert.

There being no quorum present, and after some delay, Senator Cofer moved a call of the Senate for the purpose of securing a quorum, which motion was duly seconded.

The roll was called, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Hume.	Sturgeon.
Mayfield.	Terrell of Bowie.
Paulus.	Veale.
Senter.	Weinert.

AT EASE.

After some delay the Senate adopted a motion to be at ease until 8:30 o'clock p. m. today.

IN SESSION.

The Senate was called to order by President Pro Tem. Alexander, and action recurred on House bill No. 2, the question being on the suspension of the Senate rule requiring committee reports to lie over for one day.

The motion was adopted by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Terrell of McLennan.
Harper.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Veale.
Senter.	

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Terrell of McLennan.
Harper.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Veale.
Senter.	

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading House bill No. 2, making appropriation for mileage and per diem of the present session (see committee report for caption).

Bill read second time, and passed to third reading.

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Terrell of McLennan.
Harper.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Veale.
Senter.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.

Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Senter.	Veale.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 3.

By unanimous consent Senator Willacy offered the following committee report:

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Murray, Meachum, Harper, Brachfield, Peeler, Holsey.

On motion of Senator Watson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see committee report for caption).

The motion was adopted by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	Ward.

On motion of Senator Watson the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—22.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.

Peeler.	Terrell of McLennan.
Perkins.	Watson.
Real.	Weinert.
Stokes.	Willacy.

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	Ward.

The committee report, providing that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading House bill No. 3. (See committee report for caption.)

Bill read second time, and passed to a third reading.

On motion of Senator Watson the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Meachum.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

(Senator Meachum in the chair.)

House bill No. 3 was read third time, and passed by the following vote:

Yeas—22.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.

Absent.

Alexander.	Sturgeon.
Mayfield.	Terrell of Bowie.
Senter.	Veale.

Senator Watson moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

On motion of Senator Brachfield, the Senate was at ease subject to the call of the Chair.

BILLS SIGNED BY THE CHAIR.

The Chair (President Pro Tem. Alexander) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 2, "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employees of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

House bill No. 3, "An Act making appropriation to defray the contingent expenses of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor and declaring an emergency."

CALL OF THE SENATE.

Here Senator Watson moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion being duly seconded, the roll was called, the following Senators answering to their names:

Present—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—7.

Cofer.	Sturgeon.
Hume.	Terrell of Bowie.
Mayfield.	Veale.
Senter.	

ADJOURNMENT.

Pending delay, on motion of Senator Perkins, the Senate adjourned until 10 o'clock Friday morning.

SECOND DAY.

Senate Chamber,
Austin, Texas,
Monday, July 25, 1910.

The House having adopted Senate Concurrent Resolution No. 1, providing for adjournment until Monday, the Senate met pursuant to adjournment, provided for in said resolution, Lieutenant Governor A. B. Davidson presiding.

Roll call, no quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Brachfield.	Real.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Murray.	

Absent.

Alexander.	Perkins.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hume.	Veale.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

There being no quorum present, on motion of Senator Hudspeth, the Senate was at ease until 11:30 o'clock.

CALLED TO ORDER.

At 11:30 o'clock, this date, the Senate was again called to order by Lieutenant Governor Davidson.

The roll was called, there being no quorum present, the following Senators answering to their names:

Adams.	Peeler.
Brachfield.	Stokes.
Bryan.	Sturgeon.
Cofer.	Terrell of McLennan.
Greer.	Ward.
Hudspeth.	Watson.
Kellie.	Willacy.
Murray.	

Absent.

Alexander.	Perkins.
Harper.	Real.
Holsey.	Senter.
Hume.	Terrell of Bowie.
Mayfield.	Veale.
Meachum.	Weinert.
Paulus.	

AT EASE.

There being no quorum present, on motion of Senator Brachfield the Senate was at ease until 3:00 o'clock, this date.

CALLED TO ORDER.

At 3:00 o'clock the Senate was called to order by Lieutenant Governor Davidson.

The roll was called, there being no quorum present, the following Senators answering to their names:

Adams.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Kellie.	Watson.
Murray.	Willacy.

Absent.

Alexander.	Perkins.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.

ADJOURNMENT.

On motion of Senator Watson the Senate, at 3:15 o'clock p. m. adjourned until tomorrow morning at 10 o'clock.

THIRD DAY.

Senate Chamber,
Austin, Texas,
Tuesday, July 26, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Kellie.	Stokes.

Terrell of McLennan. Watson.
Veale. Willacy.
Ward.

Absent.

Harper. Terrell of Bowie.
Hume. Weinert.
Sturgeon.

RULES ADOPTED.

Senator Meachum moved that the Rules of the Regular Session of the Thirty-first Legislature be adopted for this Special Session.

The motion was adopted by the following vote:

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Harper.	Sturgeon.
Hume.	Terrell of Bowie.
Mayfield.	Weinert.

The Sergeant-at-Arms was instructed to enforce the Rules.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

Senator Cofer moved that Senator Sturgeon be excused for non-attendance upon the Senate for all of the time he has been absent, including today.

The motion was adopted.

PETITIONS AND MEMORIALS.

(See Appendix for Petitions and Memorials.)

EXECUTIVE MESSAGE.

The Chair had the following message read to the Senate:

Executive Office,
State of Texas.

Austin, Texas, July 26, 1910.

To the Senate:

On January 22, 1909, Hon. Thos. B. Love was appointed by the Governor to the office of Commissioner of Insurance and Banking, which said appointment was duly confirmed by your honorable body. Subsequently and on December 22, 1909, that officer filed his resignation to take effect on February 1, 1910, which resignation was accepted and Hon. W. E. Hawkins was appointed to fill the vacancy occasioned by the said resignation. On June 13, 1910, for reasons deemed sufficient and on account of conditions with which both the Senate and the public are familiar, the resignation of Hon. W. E. Hawkins was requested by the Governor. With that request he has declined to comply.

Now, in obedience to and in conformity with the Constitution and laws of this State, I herewith report the name of the said W. E. Hawkins, who was appointed Commissioner of Insurance and Banking to fill the said vacancy, for such action on the part of the Senate as may be deemed appropriate under all the circumstances.

Very respectfully,

T. M. CAMPBELL,

Governor of Texas.

The Chair had the following read to the Senate:

Department of Insurance and Banking.

Austin, Texas, July 25, 1910.

To the President and Members of the Senate of the Third Called Session of the Thirty-first Legislature of Texas:

Having been informed today by His Excellency, Governor T. M. Campbell, that it is his intention to report to you, under Revised Statutes, Art. 2910, my name as his recess appointee to the office of Commissioner of Insurance and Banking, such report, however, to be without request for confirmation of said appointment, I now respectfully ask that I be given an opportunity to be heard in the premises by your honorable body, or by such committee thereof as you may direct.

Respectfully,

WM. E. HAWKINS,

Commissioner.

EXECUTIVE SESSION.

Senator Hudspeth moved that the Senate go into executive session tomorrow at 11 o'clock a. m. for the purpose of considering the above appointment.

The motion was adopted.

COMMITTEE OF THE WHOLE
SENATE.

Senator Cofer moved that the Senate sit as a Committee of the Whole Senate today at 3 o'clock p. m. for the purpose of hearing Judge Hawkins in compliance with the above request.

The motion was adopted.

Senators Cofer, Kellie and Terrell of McLennan were appointed as a special committee to notify Judge Hawkins of the above action by the Senate.

BILLS AND RESOLUTIONS.

By Senators Ward and Cofer:

Senate bill No. 4, A bill to be entitled "An Act to prohibit any person or persons, association or corporation to give, have or exhibit or be in any way concerned in giving, having or exhibiting or to permit or allow in or on any premises, property, building or structure of any character owned, controlled or managed by any such person or persons, association or corporation, any show at which is exhibited or displayed, or in any street or road, any moving or motion picture, films, or either representation of like character, of any prize fight or pugilistic contest, or encounter between man and man or between man and beast, or to exhibit by such means and manner in such places an obscene view or picture of a person or beast within this State; and to provide penalties therefor, and to define the term 'obscene,' and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter X, Articles 1005 and 1005a of the Penal Code of Texas; and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Hudspeth, Brachfield and Willacy:

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issu-

ing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said Board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said Board; providing an appropriation for the payment of the expenses of such clerical force and other necessary expenses and the salaries of said Board; to authorize said companies to file rates of premiums and commissions to agents with said Board and with the agents of said companies and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said Board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said Board to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Alexander and Perkins:

Senate bill No. 6, A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices in moving picture shows, theaters or any other place whatsoever, by any association, corporation, firm or person, providing penalties therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

ADDITION TO COMMITTEE.

Senator Hudspeth moved that Senator Brachfield be added to the Committee on Insurance, Statistics and History. The motion was adopted.

SIMPLE RESOLUTION.

By Senator Murray:

Whereas, There seems to be some confusion relative to the election and appointment of employees; therefore be it

Resolved, That the President of the Senate appoint a committee of three Senators whose duty it shall be to investigate the matter relative to employees and report back to the Senate their findings relative thereto.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed Senators Willacy, Brachfield and Murray as the committee provided therein.

RECESS.

On motion of Senator Holsey the Senate recessed until 11 o'clock a. m. today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

APPOINTMENTS.

In accordance with the provisions of the organization resolution adopted on the first day of the session, the Chair announced the following appointments:

Pages—Jerrold Belcher, Travis county; Bryan Montgomery, Palo Pinto county; Fred Buchanan, Harris county; O. B. Zengerle, Bexar county; Willie Townsend, Willbarger county; Kone Lawhon, Hays county; Read Granberry, Austin county.

Postmaster—Mrs. A. T. Shirley, Collin county.

Private Secretary to Lieutenant Governor—R. J. Waldeck, DeWitt county.

Porters—Ellis Monroe, Frank Kelley, John Robinson, Ben Jackson, Alfred Rhambo, John Walker.

HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, July 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed:

Senate Concurrent Resolution No. 1.

Providing for adjournment. Be it resolved by the Senate, the House of Representatives concurring. That when the Senate and the House of Representatives adjourn today that they adjourn until Monday, the 25th day of July, 1910, at 10:30 o'clock a. m.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

SPECIAL COMMITTEE REPORT.

Senator Cofer, chairman of the committee to notify Judge Hawkins of the action of the Senate according to him a hearing before the Senate as a Committee of the Whole this afternoon, reported that they had performed said duty and asked to be discharged.

SENATE CONCURRENT RESOLUTION NO. 2—ADOPTION OF.

Senate Concurrent Resolution No. 2:

By Senators Meachum, Watson, Alexander, Hudspeth, Stokes, Peeler, Cofer: Whereas, It is proposed to hold, upon the completion of the Panama Canal, a great National Exposition; and

Whereas, The completion of this project will be of great benefit to the people of the South and to the State of Texas; and

Whereas, The people of the entire South and particularly of this State are greatly interested in the holding of the Exposition in commemoration of the completion of the canal and as the Gulf States have united upon the city of New Orleans, in the State of Louisiana, as the proper place to hold this exposition; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring. That the Honorable J. Y. Sanders, Governor and United States Senator-elect of the State of Louisiana, be requested and invited to address the Texas Legislature, in joint session, in the Hall of the House of Representatives upon this topic at some date prior to the 7th day of August, A. D. 1910, as will suit the convenience of Governor Sanders, and that a copy of this resolution be forwarded to Governor Sanders by the Secretary of the Senate and the Chief Clerk of the House of Representatives, under the direction of the Lieutenant Governor and the Speaker of the House of Representatives.

The above resolution was read and

Senator Meachum moved that the same be adopted.

The motion to adopt the resolution carried.

RECESS.

Senator Stokes here moved that the Senate recess until 3 o'clock today.

The motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

COMMITTEE OF THE WHOLE SENATE.

In accordance with a motion adopted today the Senate resolved itself into a Committee of the Whole Senate, with Senator Alexander in the chair.

IN THE SENATE.

ADJOURNMENT.

Senator Brachfield moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was adopted.

APPENDIX.

PETITIONS AND MEMORIALS.

The Chair had the following telegram read to the Senate:

El Paso, Texas, July 21, 1910.

President of Senate, Austin, Texas.

The undersigned citizens of El Paso respectfully urge you not to amend the charter of the city of El Paso as requested by its present administration in any way so as to effect the public school system, to increase the salary of the mayor of the city, or allow the arbitrary extension of the corporate limits of the city to take in any territory without the citizens of the territory involved first asking by majority vote to be taken into the city limits.

Signed—W. H. Austin, E. B. Welch, A. Schwartz, F. W. Aines, E. W. Pew, John A. Harper, Burt Oronodoff, W. C. Wilite, Lamar Davis, Hugh A. McLean, W. T. Hixon, Aug. G. Andreas, B. P. Michelson, S. K. Fredunthal, A. P.

Coles, J. Calisher, James L. Marr, Harris Krupp, T. H. Springer, E. Strauss, El Paso Times Co.

The Chair had the following read to the Senate:

Houston, Texas, July 20, 1910.

Governor A. B. Davidson, Senate Chamber, Austin, Texas.

Dear Sir: As you are aware, there is in contemplation a great national exposition to be held upon the completion of the Panama Canal. The completion of this great national project will mean much to every Gulf port, but especially to Texas. The Gulf States have united upon New Orleans as a proper place where this exposition shall be held and that city is making every effort to enlist the active co-operation of her sister cities upon the Gulf. With that end in view, Governor Sanders of Louisiana, who has been recently elected to the United States Senate, has been requested by the city of New Orleans to address the Texas Legislature upon this topic should it be desirable and convenient to that honorable body for him to do so. I am just in receipt of the following telegram from Mr. T. P. Thompson, Chairman of the Executive Committee having the exposition matters in charge, to wit:

"We are very anxious for Governor Sanders to address your Legislature on the exposition for New Orleans and the South, not asking for financial support, but to impress upon your State Senators and Representatives the importance of working for congressional recognition. He has consented to do so, provided satisfactory dates can be arranged. Please wire me three or four different days on which Legislature would hear an address from him."

I shall be very glad, therefore, if you would take up the matter with your associates and if it commends itself to your and their judgment, at an early date pass a resolution inviting Governor Sanders to make such address before your honorable body and notify him thereof through our Chief Executive or other proper channel. I can but feel that this exposition means much to the Texas coast line and that Texas as a whole will realize great good therefrom. It will be noted from the telegram that the object of the address is not to ask for any financial support, but merely to arouse interest and to impress upon our Representatives in Con-

gress the necessity of congressional recognition.

Trusting that this matter will receive your favorable consideration, I have the honor to be

Your obedient servant,

H. M. GARWOOD.

By Senator Cofer:

Howe, Grayson County, Texas,
July 21, 1910.

The Hons. John Marshall, R. E. Cofer,
J. R. Elliott and J. S. Aston, Austin,
Texas.

Gentlemen: We the undersigned citizens of Howe and vicinity do hereby respectfully urge that you do not favor a repeal of the present insurance law, against which it appears Governor Campbell is directing his energy.

We respectfully suggest that the law be cured as quickly as possible of its defects, and that the Fire Rating Board be given powers with reference to insurance companies doing business in Texas, equal to those of the Railroad Commission, with reference to railway lines. We believe that an arrangement could be made between the Rating Board and insurance companies, under which a compromise or an emergency rate could be adopted until the board and companies have had sufficient time to agree on permanent rates. Reliable fire insurance is just as important to the welfare of our citizens as railway transportation, and we believe that the companies should be subject to the same control in order that fair and equitable rates may be enforced. The present law was doubtless railroaded through too hurriedly and contains many defects. There are very few laws, however, that have not been amended in some way.

Thanking you in advance for your best efforts in direction indicated.

Numerously signed.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, July 27, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Harper. Sturgeon.
Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

SIMPLE RESOLUTION.

Senator Cofer offered the following resolution:

Whereas, Hon. C. V. Terrell of Wise county, Texas, was on the twenty-third of July, 1910, at a special election elected to the position of Senator in the Thirty-first District to succeed the Hon. J. P. Hayter, resigned, and in said special election the said Hon. C. V. Terrell had no opposition and received all the votes cast in said election, and it is a matter of public notoriety from the newspaper reports and the undoubted unofficial returns of said election that he is elected to said position beyond a doubt; and

Whereas, Said Hon. C. V. Terrell is now within the Capitol and desires to be sworn in; and

Whereas, The Senate is the sole judge under the Constitution of the election of its members; therefore, be it

Resolved by the Senate, That notice be taken of the election of said Hon. C. V. Terrell as Senator aforesaid, and that he now be immediately sworn in as such.

Senator Cofer moved that the above resolution be adopted.

Senator Veale moved, as a substitute, that further consideration of the resolution be postponed until 10 o'clock tomorrow morning.

The substitute motion was adopted by the following vote:

Yeas—14.

Adams.	Paulus.
Alexander.	Perkins.
Greer.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Murray.	Watson.

Nays—11.

Brachfield.	Real.
Bryan.	Stokes.
Cofer.	Ward.
Mayfield.	Weinert.
Menchum.	Willacy.
Peeler.	

Absent.

Harper.	Sturgeon.
Hume.	

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, July 27, 1910.

Hon. A. B. Davidson, President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed

Senate Concurrent Resolution No. 2, Inviting Governor Sanders to address the Legislature.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Resolved, That the Superintendent of Public Buildings and Grounds be instructed to place a sufficient number of electric fans in the Senate Chamber to keep the members cool, said expense to be paid for out of the contingent expense fund of the Legislature; and be it further

Resolved, That he be instructed to maintain sufficient lights to light up the Senate Hall and committee rooms for the benefit of members, stenographers and committee clerks. And that the Sergeant-at-Arms be instructed to deliver a copy of this resolution to said Superintendent of Public Buildings and Grounds forthwith.

Senator Mayfield offered the following amendment to the resolution:

Amend the resolution by adding: "Provided, that no Senator have no more than two fans."

Senator Holsey moved to table both the resolution and the amendment.

Pending discussion,

On motion of Senator Murray further action on the resolution was postponed until tomorrow morning.

SPECIAL COMMITTEE REPORT.

By Senator Murray:

Austin, Texas, July 27, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to investigate the matter of employees, beg leave to report that we have made as thorough investigation as is possible under conditions to do, and after mature reflection we beg leave to report back to the Senate the following facts and recommendations, to wit:

1. We find that only three of the stenographers have their own machines here for use. Several of the others have already been supplied with machines by the Sergeant-at-Arms, who rented same (as he considered) under instructions of the President Pro Tem. of the Senate.

2. From the best information that we can obtain it is our opinion that there is only one among all the stenographers who would likely be able to take the dictations of anything like a rapid speaker. This is a young man who does not claim to be a court stenographer, but who from all the information that we are able to obtain we conclude is qualified to act as a court stenographer, and while we realize the importance of having at least one first-class stenographer able to do any and all kinds of work, we feel warranted in recommending to the Senate that for the present at least they take no action relative to the employment of an experienced court stenographer, believing, as we do, that the young man spoken of will prove competent for the present.

3. We are reliably informed that Miss Bonna Whitaker is not a stenographer or typewriter; therefore, we recommend that she be assigned by the Senate as an assistant in the enrolling and engrossing rooms, and that the Senate elect in her stead as a stenographer Miss Jennie Daugherty. In our opinion

this will furnish all the employees necessary to transact the business of the Senate under any conditions that may arise.

All of which is respectfully submitted.

MURRAY,
WILLACY,
BRACHFIELD.

The committee report was read and adopted.

SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That 600 copies of the Senate Journal be printed each day, 150 of which shall be for the use of the House of Representatives, and shall be delivered to the Sergeant-at-Arms of that body by the printers, one copy to the Governor and one to each of the heads of departments, and the remainder to be prorated among the members of the Senate.

The resolution was read and adopted.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, July 27, 1910.

To the Senate:

The advice and consent of the Senate is respectfully requested to the following appointments made since the adjournment of the last session of the Legislature:

Judge of the Court of Criminal Appeals—Felix J. McCord of Smith county.

Attorney General—Jewel P. Lightfoot of Camp county.

Financial Agent of the Texas State Penitentiaries—A. M. Barton of Anderson county.

Assistant Attorney General—John A. Mobley of Henderson county.

Commissioner of Pensions—E. A. Bolmes of Harris county.

Members of the State Fire Rating Board—Harry L. Wright of Anderson county and Robert M. Hamby of Travis county.

Members of the Commission to Codify the Laws—H. G. Robertson of Jefferson county, Jas. G. Dudley of Lamar county and R. B. Minor of Bexar county.

Commissioner of Labor and Statistics—Jos. S. Myers of Tarrant county.

State Mining Inspector—S. J. Taylor of Milam county.

Members of the State Mining Board—W. C. Silliman of Bexar county, T. H. Lipps of Wise county, W. M. Wells of Milam county, A. Johnson of Palo Pinto county, G. I. King of Houston county, John Lloyd of Erath county and Frederick C. Von Rosenberg of Travis county.

Members of Board of Nurse Examiners—Mrs. L. M. Beaty of Tarrant county, Miss Laura P. Young of Travis county, Miss C. L. Shackford of Galveston county, Miss Maud Mueller of Bexar county and Miss Mattie Rutledge of Dallas county.

Members of the Texas State Board of Pharmacy—W. H. Robert, Jr., of Grayson county, Bruce Vredenburg of Jefferson county, Tom J. Snell of Delta county, W. F. Robertson of Gonzales county and John A. Weeks of Runnels county.

Members of the Board of Dental Examiners—R. D. Griffith of Lamar county, Sam G. Duff of Hunt county and C. M. McCauley of Taylor county.

Members of the Board of Trustees of the State Institution for the Training of Juveniles—A. C. Prendergast of McLennan county, Fred P. Hamill of Bell county, Thos. Bell of McCulloch county, Mrs. J. A. Jackson of Travis county and Mrs. G. H. Boynton of Hamilton county.

Members of the Texas State Board of Health—H. W. Cummings of Robertson county, J. E. Gilreest of Cooke county, J. W. Burns of De Witt county, J. W. O'Farrell of Fort Bend county, Thos. F. Burnett of Baylor county and Boyd Cornick of Tom Green county.

Members of the Board of Managers of the Deaf and Dumb Asylum, Colored—J. A. Fernandez of Travis county and Chas. L. Stevenson of Travis county.

Superintendent of the Confederate Home—R. M. Wynne of Tarrant county.

Member of Board of Trustees of Confederate Home—W. J. Stelfox of Travis county.

Member of Board of Trustees of State Asylum for the Blind—Jud S. James of Travis county.

Member of Board of Directors of the A. and M. College—James Craven of Harris county.

Member of Board of Regents of the State University—W. A. Johnson of Hall county.

Judge of the District Court of the

Twenty-fourth Judicial District of Texas—John M. Green of DeWitt county. Judge of the District Court of the Tenth Judicial District of Texas—Clay S. Briggs of Galveston county.

Judge of the Criminal District Court of Harris and Galveston counties—C. W. Robinson of Harris county.

District Attorney of the Twenty-fourth Judicial District of Texas—Guy Mitchell of Jackson county.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

PRIVILEGES OF FLOOR GRANTED.

Senator Hudspeth here moved that ex-Lieutenant Governor Browning be accorded the privileges of the floor of the Senate while in session.

The motion was unanimously adopted.

TIME FOR EXECUTIVE SESSION CHANGED.

Senator Murray here moved that the Senate rescind its action on yesterday, which designated the hour of 11 o'clock today for the purpose of acting on the appointment by the Governor, and that tomorrow at 11 o'clock be designated as the time for said executive session.

Senator Brachfield moved, as a substitute, that the time for the executive session be changed from 11 o'clock today until 12 o'clock today.

The substitute motion was adopted.

IN COMMITTEE OF THE WHOLE SENATE.

Here the Chair announced that the Senate would proceed to resolve itself into a Committee of the Whole, in accordance with the motion adopted on yesterday.

Senator Alexander was called to the chair.

IN THE SENATE.

At 11:45 o'clock, and after the conclusion of the meeting of the Senate as a Committee of the Whole, the Senate resolved itself into a session of the Senate with Lieutenant Governor Davidson presiding.

PRIVILEGES OF THE FLOOR.

Senator Terrell of Bowie moved that Senators-elect Terrell of Wise county,

representing District No. 31; Kauffman of Galveston county, representing District No. 17; and Ratliff of Hopkins county, representing District No. 2, be allowed the privileges of the floor until such time as they shall be sworn in as duly elected members.

The motion was unanimously adopted.

EXECUTIVE SESSION.

Here the Chair (Lieutenant Governor Davidson) announced that the hour 12 o'clock noon had arrived, which time had been designated for the Senate to sit in executive session. The Senate Chamber was cleared of all those not entitled to remain.

IN THE SENATE.

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 7 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

FIFTH DAY.

Senate Chamber,
Austin, Texas

Thursday, July 28, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

Morning call concluded.

SIMPLE RESOLUTION REFERRED
TO COMMITTEE.

Here Senator Cofer called up the simple resolution introduced by him on yesterday, relative to seating Senator-elect Terrell of Wise county, and moved that the resolution be referred to the Committee on Privileges and Elections.

The motion was adopted.

ADDITION TO COMMITTEE.

The Chair here announced the appointment of Senator Cofer as a member of the Committee on Privileges and Elections, to fill the vacancy occasioned by the resignation of the Senator from Hopkins county.

SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That the Secretary of the Senate be authorized and directed to furnish to the Commission to Codify the Laws of Texas three paper covered copies of the Legislative Manual, upon request of Judge R. B. Minor, a member of the commission.

The resolution was read and adopted.

There being no further business before the Senate at this hour, the Senate was at ease until 11 o'clock.

SPECIAL COMMITTEE REPORT—
ADOPTION OF.

Committee Room,
Austin, Texas, July 28, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred the simple resolution relating to the seating of Hon. C. V. Terrell, Senator-elect from the Thirty-first Senatorial District, having had the said resolution under consideration, beg leave to report as follows:

Your committee has amended the said resolution so as to include a recommendation for the seating of Hon. J. E. Kauffman as Senator from the Seventeenth Senatorial District; and your committee further reports that from the evidence at hand we have made careful investigation into the returns of the special election held on the 23rd day of July, 1910,

in the said Twenty-first and Seventeenth Senatorial Districts, respectively, and we find that in the Thirty-first Senatorial District Hon. C. V. Terrell was duly elected to fill the unexpired term in the Senate in said district caused by the resignation of Hon. J. P. Hayter; and Hon. J. E. Kauffman was duly elected at said special election to fill the vacancy caused by the resignation of Hon. T. W. Masterson.

And your committee now recommends that said Senators-elect, Hon. C. V. Terrell of Wise county, and Hon. J. E. Kauffman of Galveston county, be both received, and that they be immediately sworn in as Senators from their respective districts.

PERKINS, Chairman.

Senator Cofer moved that the Senate rule requiring committee reports to lie over for one day be suspended, and that the above committee report be placed before the Senate.

The motion was adopted by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Terrell of McLennan.

The committee report was adopted.

The committee report and resolution, having been previously read, was then adopted.

OATH OF OFFICE ADMINISTERED.

The Chair (Lieutenant Governor Davidson) appointed Senators Terrell of Bowie county and Terrell of McLennan county to escort Senator-elect Terrell of Wise county to the bar of the Senate, and appointed Senators Willacy and Brachfield to escort Senator-elect Kauffman to the bar of the Senate, whereupon the constitutional oath of office was administered to them.

Senator Kauffman of Galveston county represents District No. 17, composed of the counties of Galveston, Brazoria, Matagorda and Wharton.

Senator Terrell of Wise county represents District No. 31, composed of the counties of Denton, Wise and Montague.

IN EXECUTIVE SESSION.

At 11 o'clock the Senate resolved itself into executive session.

IN THE SENATE.

EXECUTIVE SESSION—TIME SET FOR.

Senator Sturgeon moved that today at 4 o'clock be designated for the Senate to sit in executive session for the purpose of considering appointments sent to the Senate by the Governor on yesterday.

The motion was unanimously adopted.

RECESS.

On motion of Senator Terrell of Bowie, the Senate recessed until 3:30 o'clock this day.

AFTER RECESS.

At 3:30 o'clock the Senate was called to order by Lieutenant Governor Davidson, and there being nothing before the Senate, on motion of Senator Holsey, the Senate was at ease for indefinite time.

At 4 o'clock the Senate was again called to order.

EXECUTIVE SESSION.

In accordance with the motion previously adopted, the Senate, at 4 o'clock, resolved itself into executive session, for the purpose of considering appointments by the Governor.

CONFIRMATIONS MADE.

In executive session today, the following confirmations were made:

Judge of the Court of Criminal Appeals—Felix J. McCord of Smith county.

Attorney General—Jewel P. Lightfoot of Camp county.

Financial Agent of the Texas State Penitentiaries—A. M. Barton of Anderson county.

Assistant Attorney General—John A. Mobley of Henderson county.

Commissioner of Pensions—E. A. Bolmes of Harris county.

Members of the State Fire Rating Board—Harry L. Wright of Anderson county and Robert M. Hamby of Travis county.

Members of the Commission to Codify the Laws—H. G. Robertson of Jefferson county, Jas. G. Dudley of Lamar county and R. B. Minor of Bexar county.

Commissioner of Labor and Statistics—Jos. S. Myers of Tarrant county.

State Mining Inspector—S. J. Taylor of Milam county.

Members of the State Mining Board—W. C. Silliman of Bexar county, T. H. Lipps of Wise county, W. M. Wells of Milam county, A. Johnson of Palo Pinto county, G. I. King of Houston county, John Lloyd of Erath county and Frederick C. Von Rosenberg of Travis county.

Members of Board of Nurse Examiners—Mrs. L. M. Beaty of Tarrant county, Miss Laura P. Young of Travis county, Miss C. L. Shackford of Galveston county, Miss Maud Mueller of Bexar county and Miss Mattie Rutledge of Dallas county.

Members of the Texas State Board of Pharmacy—W. H. Robert, Jr., of Grayson county, Bruce Vrendenburg of Jefferson county, Tom J. Snell of Delta county, W. F. Robertson of Gonzales county and John A. Weeks of Runnels county.

Members of the Board of Dental Examiners—R. D. Griffith of Lamar county, Sam G. Duff of Hunt county and C. M. McCauley of Taylor county.

Members of the Board of Trustees of the State Institution for the Training of Juveniles—A. C. Prendergast of McLennan county, Fred P. Hamill of Bell county, Thos. Bell of McCulloch county, Mrs. J. A. Jackson of Travis county, Mrs. G. H. Boynton of Hamilton county.

Members of the Texas State Board of Health—H. W. Cummings of Robertson county, J. E. Gilcreest of Cooke county, J. W. Burns of De Witt county, J. W. O'Farrell of Fort Bend county, Thos. F. Burnett of Baylor county and Boyd Cornick of Tom Green county.

Members of the Board of Managers of the Deaf and Dumb Asylum (colored)—

J. A. Fernandez of Travis county and Chas. L. Stephenson of Travis county.

Superintendent of the Confederate Home—R. M. Wynne of Tarrant county.

Member of the Board of Trustees of Confederate Home—W. J. Stelfox of Travis county.

Member of Board of Trustees of State Asylum for the Blind—Jud S. James of Travis county.

Member of Board of Directors of the A. & M. College—James Craven of Harris county.

Member of Board of Regents of the State University—W. A. Johnson of Hall county.

Judge of the District Court of the Twenty-fourth Judicial District of Texas—John M. Green of De Witt county.

Judge of the District Court of the Tenth Judicial District of Texas—Clay S. Briggs of Galveston county.

Judge of the Criminal District Court of Harris and Galveston Counties—C. W. Robinson of Harris county.

District Attorney of the Twenty-fourth Judicial District of Texas—Guy Mitchell of Jackson county.

IN THE SENATE.

(Senator Brachfield in the chair.)

MESSAGES FROM GOVERNOR.

Executive Office,
State of Texas.

Austin, Texas, July 27, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects, and suggest legislation thereon:

1. Legislation providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas, and of his employees, and providing for a complete, effective and more economical system of accounting, bookkeeping and auditing for that department of the State government.

2. Legislation prescribing the duties of county tax assessors, tax collectors, and the county clerks, Comptroller and State Treasurer, with reference to the assessment and collection of taxes, and providing a more systematic, effective

and economical system of bookkeeping and accounting, and the enactment of such other rules and methods with respect thereto as may be proper.

3. The enactment of adequate laws defining "bills of lading" and defining the word "carrier." Providing that it shall be the duty of common carriers and their officers and agents to issue negotiable bills of lading and straight or non-negotiable bills of lading at the request of the shipper, between certain places to be prescribed in the law, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing the necessary requirements for all bills of lading; to make all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange and promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would in any manner limit their negotiability; and providing for the division of bills of lading into such different series as may be appropriate, and defining each series, prescribing how bills of lading shall be issued, and prohibiting the issuing of negotiable bills of lading in part or parts, except as prescribed by law; prescribing the duties of general freight agents or persons authorized to act for them, and the duties of local station agents of common carriers, and for such additional legislation on this subject as business conditions and the general welfare may demand.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

Executive Office,
State of Texas.

Austin, Texas, July 28, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects, and suggest legislation thereon:

1. Appropriate legislation providing for the retirement of \$1,055,700 bonds of the State of Texas, dated July 1, 1879, and maturing July 1, 1909, and \$298,000 bonds of the State of Texas, maturing on the first day of September, 1910, and for issuing other interest-bearing bonds in lieu thereof, and providing for the execution of such other bonds and the manner of exchange of

the new bonds for those maturing as above mentioned. These bonds maturing as aforesaid are owned and held as follows: Seven hundred and ninety-nine thousand three hundred dollars held by the State Permanent School Fund; \$217,200 held by the Permanent State University Fund; \$24,300 held by the Permanent Orphans' Home Fund; \$29,500 held by the Permanent Blind Asylum Fund; \$46,600 held by the Permanent Deaf and Dumb Asylum Fund; \$62,800 held by the Permanent Lunatic Asylum Fund, and \$174,000 held by the Permanent Agricultural and Mechanical College Fund.

2. Thirteen thousand two hundred dollars of the series of bonds maturing July 1, 1909, are now owned and held by individuals or corporations, and an appropriation for the payment of these bonds so held by individuals, together with the interest thereon from July 1, 1909, is respectfully recommended, and it is also recommended that an appropriation be made in a sum sufficient to satisfy the accrued interest on all the bonds maturing on July 1, 1909.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

Executive Office,
State of Texas.

Austin, Texas, July 28, 1910.

To the Senate:

The advice and consent of the Senate is respectfully requested to the following appointments:

Chief Justice of the Court of Civil Appeals of the Third Supreme Judicial District of Texas—W. M. Key of Travis county.

Associate Justice of the Court of Civil Appeals of the Third Supreme Judicial District of Texas—C. H. Jenkins of Brown county.

Tax Commissioner of the State of Texas—L. T. Dashiell of Leon county.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

ADJOURNMENT.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was adopted by the following vote (the yeas and nays being called for):

Yeas—18.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of Bowie.
Kellie.	Watson.
Meachum.	Willacy.

Nays—9.

Brachfield.	Terrell of McLennan.
Cofer.	Terrell of Wise.
Harper.	Veale.
Stokes.	Ward.
Sturgeon.	

Absent.

Holsey.	Weinert.
Mayfield.	

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, July 27, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of Judiciary Committee No. 2, to whom was referred Senate bill No. 4, A bill to be entitled "An Act to prohibit any person or persons, association or corporation, to give, have or exhibit or be in any way concerned in giving, having or exhibiting or to permit or allow in or on any premises, property, building or structure of any character owned, controlled or managed by any such person or persons, association or corporation, any show at which is exhibited or displayed, or in any street or road, any moving or motion picture, films, or either representation of like character, of any prize fight or pugilistic contest, or encounter between man and man or between man and beast, or to exhibit by such means and manner in such places an obscene view or picture of a person or beast within this State; and to provide penalties therefor, and to define the term 'obscene,' and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a of the Penal Code of Texas, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass.

Harper, Chairman; Hudspeth, Watson, Stokes, Cofer, Sturgeon, Murray, Greer, Real, Alexander.

(Floor Report.)

Austin, Texas, July 28, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests, and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any association, corporation, firm or person; providing penalties therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

Harper, Chairman; Hudspeth, Alexander, Real, Watson, Murray, Cofer, Senter.

SIXTH DAY.

Senate Chamber,
Austin, Texas,

Friday, July 29, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Watson, the same was dispensed with.

SIMPLE RESOLUTION.

By Senator Harper:

Resolved, That the Secretary of the Senate be allowed postage for the Third Called Session in amount not to exceed \$3.00, to be paid out of the contingent expense fund.

The resolution was read and adopted.

EXECUTIVE SESSION—TIME SET FOR.

Senator Cofer moved that the Senate go into Executive Session at 10:30 o'clock today for the purpose of considering appointments sent to the Senate on yesterday.

The motion was unanimously adopted by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Kauffman. Willacy.

BILLS AND RESOLUTIONS.

By Senators Ward, Sturgeon and Willacy:

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Ward:

Senate bill No. 8, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency."

Read first time, and referred to Finance Committee.

Morning call concluded.

SENATE BILL NO. 4.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 4, A bill to be entitled "An Act to prohibit any person or persons, association or corporation to give, have or exhibit or be in any way concerned in giving, having or exhibiting or to permit or allow in or on any premises, property, building of structure of any character owned, controlled or managed by any such person or persons, association or corporation, any show at which is exhibited or displayed, or in any street or road, any moving or motion picture, films, or either representation of like character, of any prize fight, or pugilistic contest or encounter between man and man, or between man and beast, or to exhibit by such means and manner in such places an obscene view or picture of a person or beast within this State; and to provide penalties therefor, and to define the term 'obscene,' and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a of the Penal Code of Texas, and declaring an emergency."

Senator Alexander moved to lay Senate bill No. 4 on the table, subject to call.

Senator Ward moved to table the motion to lay Senate bill No. 4 on the table subject to call.

The motion to table was adopted by the following vote:

Yeas—22.

Adams.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—6.

Alexander.	Kellie.
Hume.	Perkins.
Kauffman.	Terrell of McLennan.

Present—Not Voting.

Terrell of Bowie.

Absent.

Harper.

Senator Mayfield offered the following amendment, which was read and adopted:

Amend Senate bill No. 4, line 1, by adding after the word "Cofer," the words "Alexander and Perkins."

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, July 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 1, Providing for the appointment of a committee to investigate certain charges made against the Regular and former Called Sessions of this Legislature.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 1 REFERRED TO COMMITTEE.

The Chair (Lieutenant Governor Davidson) had referred, after its cap-

tion had been read, the following resolution:

House Concurrent Resolution No. 1, referred to Committee on Privileges and Elections.

EXECUTIVE SESSION.

The hour 10:30 o'clock having arrived, the Senate resolved itself into Executive Session, as per adopted motion this morning.

In Executive Session, the following confirmations were made:

Chief Justice of the Court of Civil Appeals of the Third Supreme Judicial District of Texas—W. M. Key of Travis county.

Associate Justice of the Court of Civil Appeals of the Third Supreme Judicial District of Texas—C. H. Jenkins of Brown county.

Tax Commissioner of the State of Texas—L. T. Dashiell of Leon county.

IN THE SENATE.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4, the question being on the engrossment of the bill.

Senator Hudspeth offered the following amendment:

Amend the bill by striking out "Section 1" thereof, and inserting the following:

"Section 1. It shall be unlawful for any association, corporation, partnership, firm, or person, to give or present to the public an exhibition of prize fights or glove contests or of any obscene, or immoral pictures of any character whatsoever, by means of moving picture films, bioscopes, vitiscopes, magic lanterns or other device or devices in moving picture shows, theaters, or any other place whatsoever."

HUDSPETH,
WATSON,
SENER.

Senator Ward moved to table the amendment.

Senator Watson made the point of order on the bill, stating that the section of the bill being considered did not come within the bounds of the Governor's recommendations.

Pending discussion on the point, the Chair (Lieutenant Governor Davidson) stated that he would withhold a ruling

on same until after the Senate had voted on the pending amendment.

Senator Murray offered the following substitute for the amendment:

Amend the bill by striking out all of "Section 1," and insert the following in lieu thereof:

"Section 1. It shall be unlawful for any association, corporation, partnership, firm, or person, to give or present to the public an exhibition of prize fights or glove contests by means of moving picture films, bioscopes, vitiscopes, magic lanterns or other device or devices in moving picture shows, theaters, or any other place whatsoever."

The authors of the original amendment here withdrew same, which made the substitute the amendment.

Senator Ward moved to table the amendment by Senator Murray.

Senator Kellie moved the previous question on the amendment, which motion, being duly seconded, was so ordered.

Action recurred on the motion to table the amendment, which motion was lost by the following vote:

Yeas—12.

Brachfield.	Paulus.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Nays—17.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Real.

Action then recurred on the amendment by Senator Murray, and the same was adopted by the following vote:

Yeas—18.

Adams.	Kellie.
Alexander.	Meachum.
Bryan.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.
Kauffman.	Perkins.

Senter. Watson.
Terrell of Bowie. Weinert.
Terrell of McLennan. Willacy.

Nays—11.

Brachfield. Stokes.
Cofer. Sturgeon.
Greer. Terrell of Wise.
Harper. Veale.
Holsey. Ward.
Mayfield.

Absent.

Real.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out all of "Section 3."

Senator Alexander offered the following amendment:

Amend the bill as amended by inserting after the word "contests," in the amendment just adopted, the words, "or of any obscene, indecent, or immoral picture of any character whatsoever."

Senator Watson made the point of order on the amendment that the same subject matter had been acted on in the amendment just adopted.

The Chair overruled the point of order.

The amendment was adopted by the following vote:

Yeas—25.

Adams. Perkins.
Alexander. Senter.
Brachfield. Stokes.
Bryan. Sturgeon.
Cofer. Terrell of Bowie.
Greer. Terrell of McLennan
Harper. Terrell of Wise.
Holsey. Veale.
Hudspeth. Ward.
Mayfield. Watson.
Meachum. Weinert.
Paulus. Willacy.
Peeler.

Nays—4.

Hume. Kellie.
Kauffman. Murray.

Absent.

Real.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill as amended by adding after the word "corporation," wherever

it occurs, the words "or receiver," and by striking out the word "or" between the words "association" and "corporation," wherever they occur, and insert in lieu thereof a comma, and by inserting the words "or receiver" after the word "corporation" wherever it appears in the bill and in the caption.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "corporation" the following, "or any agent or employe of any person, association or corporation."

**HARPER,
WARD.**

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all of line 6 down to and including the word "obscene," in line 17, and insert the following: "An Act to prohibit the exhibition of prize fights or glove contests, and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any association, corporation, firm or person; providing penalties therefor, and declaring an emergency."

SIMPLE RESOLUTION.

By Senator Willacy:

Whereas, Hood's Brigade Monument Association desires to hold memorial services upon the occasion of the unveiling of the statue, erected upon the Capitol grounds, and dedicated by the patriotic people of Texas to the heroic Hood's Brigade; and

Whereas, The said Hood's Brigade Monument Association desire the use of the Senate Chamber in which to conduct said memorial services; therefore, be it

Resolved by the Senate, That the use of the Senate Chamber is hereby tendered to said association for said purposes and at such time as said association may determine; and be it further

Resolved. That the Superintendent of Public Buildings and Grounds be and is hereby directed to permit the use of the Senate Chamber for the purpose herein set forth.

The resolution was read and adopted.

REFUSE TO RECESS.

Senator Sturgeon moved that the Senate recess until 2 o'clock today.
The motion was lost.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4.
Senator Meachum offered the following amendment:

Amend the bill by striking out all after the enacting clause and substituting the following:

"Section 1. It shall hereafter be unlawful for any person or persons, association, corporation or receiver, to reproduce or exhibit by any motion picture or other device for exhibition within this State the Jeffries-Johnson prize fight recently held at Reno in the State of Nevada, or any like contest, at any place within this State.

"Sec. 2. Any person or persons, association, corporation or receiver violating any of the provisions of this act shall upon conviction thereof be fined in any sum not less than fifty dollars and not more than two hundred dollars or by imprisonment of any person, officer, agent or receiver of any corporation, partnership or association violating any of the provisions of this act in the county jail for not less than thirty days nor more than sixty days or by both such fine and imprisonment, and each day's violation of this act shall constitute and be punishable as a separate offense.

"Sec. 3. The fact that there is now no law in this State which will prevent the exhibition of the Jeffries-Johnson prize fight or like contests, constitutes an imperative public necessity that the constitutional rule requiring that bills be read in each house of the Legislature on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

MEACHUM,
HUME,
SENER.

Senator Sturgeon moved to table the amendment, which motion was adopted by the following vote:

Yeas—18.

Alexander.
Brachfield.

Bryan.
Cofer.

Greer.
Harper.
Holsey.
Mayfield.
Paulus.
Perkins.
Stokes.

Sturgeon.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.
Watson.
Willacy.

Nays—9.

Adams.
Hume.
Kauffman.
Meachum.
Murray.

Peeler.
Senter.
Terrell of McLennan.
Weinert.

Absent.

Hudspeth.
Kellie.

Real.

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Mayfield.
Meachum.
Murray.
Paulus.

Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—2.

Hume.

Kauffman.

Absent.

Kellie.
Real.

Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.

Hudspeth.
Mayfield.
Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.

Sturgeon. Ward.
Terrell of Bowie. Watson.
Terrell of McLennan. Weinert.
Terrell of Wise. Willacy.
Veale.

Nays—3.

Hume. Meachum.
Kauffman.

Absent.

Kellie. Real.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

ASSIGNMENT TO STANDING COMMITTEES.

The Chair (Lieutenant Governor Davidson) authorized the assignment of the following on standing committees:
Senator Terrell of Wise assigned as Chairman of Committee on Public Buildings and Grounds.

Senator Kauffman assigned as a member of Committee on Insurance, Statistics and History.

ADJOURNMENT.

Senator Sturgeon moved that the Senate recess until 4 o'clock today.

Senator Weinert moved that the Senate adjourn until Monday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until Monday morning was adopted by the following vote:

Yeas—16.

Adams.	Peeler.
Harper.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—12.

Alexander.	Mnyfield.
Brachfield.	Perkins.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.

Absent.

Kellie. Real.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Senter:

Copper, Texas, July 16, 1910.

Resolved, That the Dallas County Farmers' Union recommend that a petition be mailed to our State Senator, and to our members of the Legislature, prevailing upon them to amend the Anti-Trust Laws so as to benefit the whole people and not permit such practices as imposing restrictions and fines on corporations merely for the purpose of putting fees in the pockets of a few individuals, and that the life insurance laws of Texas be so amended as to permit the return to Texas of the vast amount of life insurance capital which our present life insurance laws caused to leave the State, and we recommend that a copy of this resolution be sent to each member of the Legislature of Dallas county, and also our State Senator, and that a copy be sent to Mr. J. E. Pearson, Dodd City, R. F. D. No. 2, President of the Northeast Texas District Farmers' Union, and we recommend that other district unions take similar steps throughout the entire district.

J. R. DUNCAN,

(Seal.) Chairman;

E. B. PLUMLEE,

A. BINTLEY.

F. E. HILTON,

Secretary of Dallas County Farmers' Union.

SEVENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, August 1, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kauffman.
Bryan.	Kellie.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.
Holsey.	Peeler.

Real. Veale.
Stokes. Ward.
Sturgeon. Watson.
Terrell of Bowie. Weinert.
Terrell of McLennan. Willacy.
Terrell of Wise.

Absent.

Mayfield. Senter.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Veale, the same was dispensed with.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, Hon. J. L. Ratliff of Delta county was on the 23d day of July, 1910, at a special election elected to the position of Senator from the Second District to succeed Hon. H. Bascom Thomas, and at said special election said Hon. J. L. Ratliff received a majority of all the votes cast in said election, and it is a matter of public notoriety from the newspaper reports and the undoubted unofficial returns of said election that he is elected to said position beyond a doubt and his opponent concedes his election; and

Whereas, Said Hon. J. L. Ratliff is now in the Capitol and desires to be sworn in; and

Whereas, The Senate is the sole judge under the Constitution of the election of its members; therefore, be it

Resolved by the Senate, That notice be taken that Hon. J. L. Ratliff has been elected as Senator aforesaid, and that he now be sworn in as such.

The resolution was read, and referred to Committee on Privileges and Elections.

Here the Senate was at ease for a few minutes, on motion of Senator Perkins.

STANDING COMMITTEE REPORT.

Committee Room,

Austin, Texas, August 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

Simple Resolution seating Hon. J. L. Ratliff, Senator from the Second Dis-

trict, having had same under consideration, and having considered the evidence and returns before it, and being convinced therefrom that the Hon. J. L. Ratliff received a majority of all votes cast at the special election held on the 23d day of July, 1910, for Senator for the Second District, beg leave to report that said resolution do now pass, and that said Hon. J. L. Ratliff be immediately sworn in at the bar of the Senate at Senator from said district.

PERKINS, Chairman.

The above report was read, and Senator Cofer moved that the Senate rule requiring committee reports to lie over for one day be suspended, which motion was adopted by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Meachum.	Watson.

Absent.

Mayfield.	Weinert.
Senter.	Willacy.

The committee report was then adopted.

On motion of Senator Cofer, the resolution was adopted.

ADDITION TO STANDING COMMITTEE.

The Chair (Lieutenant Governor Davidson) announced the appointment of Senators Ratliff and Terrell of Wise as members of Committee on Engrossed Bills.

OATH OF OFFICE ADMINISTERED.

In accordance with the above resolution, the Chair (Lieutenant Governor Davidson) appointed Senators Sturgeon and Cofer to escort Senator-elect Ratliff of Delta county to the President's stand, whereupon the constitutional oath of office was administered to him.

Senator Ratliff represents District No. 2, composed of the counties of Hopkins, Delta, Red River, Titus and Franklin.

EXECUTIVE SESSION.

At this hour the Senate resolved itself into Executive Session.

IN THE SENATE.

RECESS.

On motion of Senator Kellie, the Senate, at 11:50 o'clock a. m., recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order at 3 o'clock by Lieutenant Governor Davidson, but was at ease until 3:30 o'clock. At 3:30 o'clock the Senate was again called to order.

SENATE BILL NO. 6.

The Chair laid before the Senate, as regular order,

Senate bill No. 6, A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices in moving picture shows, theaters or any other place whatsoever, by any association, corporation, firm or persons; providing penalties therefor, and declaring an emergency."

On motion of Senator Kellie, the bill was laid on the table subject to call.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Cofer and Bryan:

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bill of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations

of the parties thereto; defining criminal offenses connected with the issuance and handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 10, A bill to be entitled "An Act making appropriations for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the negro male and female departments and the dining hall at the State Lunatic Asylum at Austin; and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution; and providing for the purchase of additional machinery for the steam laundry at said institution; providing the manner of expending such appropriations, and declaring an emergency."

House bill No. 5, A bill to be entitled "An Act to prohibit the exhibition or representation of prize fights and glove contests by moving picture films or other means, and creating an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 5, referred to Judiciary Committee No. 2.

House bill No. 10, referred to Finance Committee.

(Senator Stokes in the chair.)

EXECUTIVE SESSION.

At 4:45 o'clock the Senate was called to order, and

Senator Cofer moved that the Senate go into Executive Session.
The motion was adopted.

IN THE SENATE.

ADJOURNMENT.

On motion of Senator Willacy, the Senate, at 5:45 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

House bill No. 10, A bill to be entitled "An Act making appropriation for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the male and female departments and dining hall at the State Lunatic Asylum at Austin, and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution, and providing for the construction and equipment of a steam laundry at said institution; providing the manner of expending such appropriations and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass, and be not printed.

Willacy, Chairman; Harper, Weinert, Terrell of Bowie, Brachfield, Meachum, Peeler, Holsey, Murray.

(Floor Report.)

Austin, Texas, August 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of the Committee on Finance, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910; for issuing other bonds at a lower rate of interest in lieu thereof; providing for the

execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Harper, Weinert, Terrell of Bowie, Brachfield, Meachum, Peeler, Holsey, Murray.

(Floor Report.)

Austin, Texas, August 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of the Committee on Finance, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds, aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Peeler, Terrell of Bowie, Harper, Brachfield, Meachum, Holsey.

Committee Room,
Austin, Texas, July 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any association, corporation or any agent or employe of any person, association, corporation or receiver, firm or person; providing penalties therefor and declaring an emergency; and to repeal all laws in conflict with this act; and providing

that this act shall in no way repeal or be in conflict with Chapter 10 Articles 1005 and 1005a of the Penal Code of Texas, and declaring an emergency,"

And find same correctly engrossed.
WARD, Chairman.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, August 2, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Senter. Sturgeon.
Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

The Chair called the regular order of business, and there being no business under this head the morning call was declared concluded.

SENATE BILL NO. 7.

The Chair laid before the Senate, as regular order, and on second reading,

Senate bill No. 7. A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910; for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency."

On motion of Senator Ward, the committee report, which provided that the bill be not printed, was adopted.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "redeeming," in line 19, of Section 1, the words "or refunding."

WARD.

WILLACY.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by inserting the word "first" after the word "date," in line 16 of Section 1. And also insert the word "September" after the word "of" in line 17 of Section 1. And also insert the word "forty" after the word "payable" in line 18 of Section 1.

WARD,

WILLACY.

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Senter. Sturgeon.
Stokes.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kauffman.
Cofer.	Kellie.
Greer.	Mayfield.
Harper.	Meachum.

Murray.	Terrell of McLennan.
Paulus.	Terrell of Wise.
Peeler.	Veale.
Perkins.	Ward.
Ratliff.	Watson.
Real.	Weinert.
Terrell of Bowie.	Willacy.

Absent.

Senter.	Sturgeon.
Stokes.	

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, as regular order, and on second reading,

Senate bill No. 8, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds, aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an individual or individuals, corporation of corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by striking out in Section 1, lines 1, 2, 3, 4, 5, and the three first words in line 6, and insert in place thereof the following:

"Section 1. That the Treasurer of the State of Texas, upon warrant drawn by the Comptroller, is hereby authorized to pay off and discharge bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and the Comptroller of Public Accounts is hereby authorized to cancel said bonds."

Senator Ward offered the following amendment, which was read and adopted:

Amend the caption of the bill by

striking out lines 1, 2, 3, 4, 5, and the two first words in line 6, and insert the following: "An Act authorizing the Treasurer of the State of Texas, upon warrant drawn by the Comptroller, to pay off and discharge bonds, aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the date of the passage and taking effect of this act, and authorizing the Comptroller of Public Accounts to cancel said bonds."

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Brachfield.	Sturgeon.
Senter.	Watson.
Stokes.	

The bill was read third time and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Kauffman.	Sturgeon.
Senter.	Watson.
Stokes.	

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 10.

The Chair laid before the Senate, as regular order and on second reading,

House bill No. 10, A bill to be entitled "An Act making appropriation for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the male and female departments and dining hall at the State Lunatic Asylum at Austin, and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution, and providing for the construction and equipment of a steam laundry at said institution; providing the manner of expending such appropriations and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kauffman.	Stokes.
Senter.	Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Hume.

Kellie.
Mayfield.
Meachum.
Murray.
Paulus.
Peeler.
Perkins.
Ratliff.

Real.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Kauffman.
Senter.
Stokes.

Sturgeon.
Terrell of McLennan.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Weinert:

Whereas, We find upon our desks copies of Statistical Tax Maps with the compliments of the Texas Commercial Secretaries' Association; therefore be it

Resolved by the Senate of the State of Texas, That we extend to said association our thanks for and appreciation of this statistical document.

WEINERT,
MURRAY.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Resolved, That the Superintendent of Public Buildings and Grounds be instructed by the President of the Senate to have and keep both the Senate Chamber and all committee rooms well lighted and keep the capitol open until 12 o'clock each night that the Legislature is in session, Sundays not excepted.

The resolution was read and adopted.

RECESS.

On motion of Senator Cofer, the Senate, at 10:30 o'clock a. m., recessed until 11 o'clock a. m.

AFTER RECESS.

At 11 o'clock a. m. the Senate was called to order by Lieutenant Governor Davidson.

RECESS.

There being nothing before the Senate, on motion of Senator Holsey, the Senate, at 11:10 o'clock a. m., recessed until 3 o'clock p. m. today.

AFTER RECESS.

At 3 o'clock p. m. the Senate was called to order by Lieutenant Governor Davidson.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred House Concurrent Resolution No. 1, providing for certain investigations, beg leave to report that we have considered same and upon such consideration your committee reports back that it is not ready to report upon such resolution but desires to give it some further consideration and to give an opportunity to each person who desires to be heard upon said resolution. Your committee now reports the following resolution for the action of the Senate:

Whereas, The Senate Committee on Privileges and Elections, having under consideration House Concurrent Resolution No. 1, providing for an investigation of various and sundry rumors and miscellaneous campaign charges, has had two public hearings, at which any person could appear and present evidence or something tangible before said committee; and

Whereas, No person has appeared, either in person or by representation, and no evidence of any kind whatsoever has been presented to said Senate committee for its consideration, and said committee can not in the absence of some showing of a necessity for an investigation act intelligently or frame its report to the Senate; and

Whereas, Said committee does not desire to report said resolution adversely, if there is really any ground for an investigation; and

Whereas, Such an investigation as proposed would cost thousands of dollars in futile attempts to investigate intangible and vague rumors, and with the lights now before the Senate would probably be futile and amount to nothing; therefore, taking the benefit of experience

from former expensive legislative investigations; be it

Resolved by the Senate, That the Committee on Privileges and Elections be directed to retain said House Concurrent Resolution No. 1 and that Hon. Cone Johnson of Smith county and Hon. M. M. Crane of Dallas county (who seem from newspapers to be the persons making certain charges) and any other persons be given the opportunity to appear before said Senate Committee on Privileges and Elections on Friday, August 5, 1910, at 2 o'clock p. m., at Committee Room No. 3, in the Senate south wing of the Capitol at Austin, Texas, then and there to unbosom themselves and to disclose to said committee any facts in their possession touching or in any way reflecting upon the integrity, good faith or fitness of the Thirty-first Legislature or any member, officer or employe thereof, to the end that it may be known to the people of Texas whether such charges have any basis or foundation or are merely campaign thunder.

PERKINS, Chairman.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 2,
Providing for the entertainment of Governor J. Y. Sanders of Louisiana.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

RESOLUTION REFERRED.

The above resolution was read and referred to Committee on State Affairs.

EXECUTIVE MESSAGES.

Executive Office,
State of Texas.

Austin, Texas, August 2, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your

consideration the following subjects and suggest legislative action thereon:

1. The Joint Resolution providing an amendment to the Constitution of the United States, which said amendment was proposed by both houses of the Sixty-first Congress of the United States of America at its First Session by the constitutional majority of two-thirds thereof, and is known as the Sixteenth Amendment to the Constitution of the United States of America.

2. Legislation transferring to a fund to be known as the "pure feed fund of the A. and M. College" all moneys collected as fees and charges from pure feed inspection.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

Executive Office,
State of Texas.

Austin, Texas, August 2, 1910.

To the Legislature:

The advice and consent of the Senate is respectfully requested to the following appointment:

Commissioner of Insurance and Banking—Frederick C. Von Rosenberg of Travis county, Texas.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

HOUSE CONCURRENT RESOLUTION —ADOPTION OF.

(Floor Report.)

Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House Concurrent Resolution No. 2, as follows:

Pursuant to Senate Concurrent Resolution No. 1, Inviting Governor J. Y. Sanders, of Louisiana, to address the Legislature, and he has telegraphed that it would be convenient to address the joint session on Thursday night, August 4, 1910; therefore, be it

Resolved, the Senate concurring, That the Senate and House meet in joint session in the Hall of the House at 8 p. m. o'clock, Thursday, August 4, 1910, and there be appointed a committee of five, three from the House and two from the Senate, to meet Governor San-

ders at the depot and escort him to the Capitol,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Ward, Alexander, Perkins, Cofer, Hume.

Senator Peeler moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of considering the above resolution.

The motion was adopted by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Willacy.

Absent.

Harper.	Stokes.
Hume.	Sturgeon.
Meachum.	Watson.
Senter.	Weinert.

The committee report was adopted.

House Concurrent Resolution No. 2 was then laid before the Senate, and, after being read, was adopted.

EXECUTIVE SESSION—TIME SET FOR.

Here the Chair (Lieutenant Governor Davidson) announced that the hour had arrived for the Senate to go into executive session, as per adjournment on yesterday, whereupon

Senator Hudspeth moved that the time set for the executive session be postponed until 5 o'clock today, and that the matter of considering the appointment by the Governor to fill the office of Commissioner of Insurance and Banking, presented on this day, be considered at that time.

The motion required unanimous consent, and there was objection, and the motion was declared lost.

Senator Holsey then moved that tomorrow at 10:30 o'clock be designated

as the hour for the Senate to sit in executive session for the purpose of considering the appointment sent to the Senate today, as well as including the business of the session of this afternoon.

The motion was adopted.
(Senator Veale in the chair.)

COMMITTEE REPORT.

(See former proceedings for report.)

Action here recurred on the committee report by the Committee on Privileges and Elections.

Senator Holsey asked unanimous consent to offer a resolution, but there was objection.

Pending discussion on the committee report, Senator Hume moved that the report be adopted.

Senator Holsey moved to table that motion.

The motion to table was lost by the following vote:

Yeas—1.

Holsey.

Nays—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.

Absent.

Meachum.	Sturgeon.
Senter.	Watson.
Stokes.	Willacy.

Action then recurred on the motion to adopt the committee report.

Senator Holsey offered the following amendment to the committee report:

Amend the resolution by adding the following:

"Whereas, Hon. William E. Poindexter charged also that Hon. O. B. Colquitt's campaign was financed by the breweries and that hundreds of men were in the field working as tombstone agents, Bible agents and fruit tree agents when as a matter of fact they were being paid by the breweries to work in the interest of Hon. O. B. Colquitt; therefore, be it

"Resolved, That said Hon. William E. Poindexter be invited to also appear be-

fore said committee and disclose what he knows concerning the same."

Pending discussion on the above amendment,

Senator Murray et al. made the point of order that a committee report could not be amended until the report had been adopted.

The Chair (Senator Veale) overruled the point of order.

Senator Hume moved to table the amendment.

Senator Terrell of Wise made the point of order that the amendment was not germane to the committee report, in that it did not refer to the same subject matter.

The Chair (Senator Veale) sustained the point of order.

Senator Mayfield offered the following amendment:

Amend the committee report by adding the following after the word "thunder" on page 2: "And that a copy of these resolutions be sent by registered mail to Hon. M. M. Crane and Hon. Cone Johnson, and they be requested to appear before said committee on the above said date and let the Secretary of the Senate mail the same."

The amendment was read and adopted.

The committee report was then adopted.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Harper, Brachfield and Veale:

Senate bill No. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as "Pure Feed Fund of the A. and M. College" all money collected under the Pure Feed Inspection Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same."

Read first time, and referred to Committee on Finance.

By Senators Cofer, Alexander and Brachfield:

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

Whereas, Both houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United

States of America in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and the House of Representatives of the United States of America, in Congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely, Article 16. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration; therefore, be it

Resolved by the Senate and House of Representatives of the State of Texas, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Texas.

Section 2. That ratified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the United States House of Representatives.

Read first time, and referred to Committee on Constitutional Amendments.

ADJOURNMENT.

On motion of Senator Terrell of McLennan, the Senate, at 4:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

INVITATION TO ADDRESS LEGISLATURE ACCEPTED.

Baton Rouge, La., August 2, 1910.

Clyde D. Smith, Secretary of Senate, Austin:

Answering communication of 29th, can reach Austin Thursday evening at 5 o'clock and address general assembly same night. Will this be satisfactory?

J. Y. SANDERS,
Governor of Louisiana.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,

Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies; prescribing conditions for transacting business, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies; prescribing conditions for transacting business, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, but that the following substitute bill do pass:

C. S. for S. B. No. 3.

A BILL

To Be Entitled

An Act to amend Chapter 18 of the Acts of the First Called Session of the Thirty-first Legislature, approved April 19, 1909, the same being "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency," by adding Sec-

tions 7a and 7b thereto, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 18 of the Acts of the First Called Session of the Thirty-first Legislature, being "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premiums on fire insurance, and to prevent discrimination therein, and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency," be and the same is hereby amended by adding thereto Sections 7a and 7b, to read as follows:

Sec. 2. Section 7a. No insurance company or officer, agent or representative thereof, coming within the provision of this act shall put into effect any rate or tariff or collect any premium under or by virtue of any rate or tariff until such rate or tariff has been approved by the State Fire Rating Board.

Sec. 3. Section 7b. Each insurance company, its officers, agent or representative, coming within the provisions of this act, shall submit the form of fire insurance policies which it desires to use in this State to the State Fire Rating Board, and such board is hereby given authority to approve or reject all forms of fire insurance policies and to prescribe such forms and the condition thereof and to prohibit the use of any policy, provisions, forms, clauses, or endorsements thereon not authorized by such board; provided, that each company shall be allowed to make its own rules and regulations as to the collection of premiums.

Sec. 4. The fact that the present insurance law is insufficient to prohibit unjust discrimination in the collection of fire insurance rates as between citizens of this State, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

ALEXANDER,
WATSON.

Committee Room,
Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7. A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910: for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, A bill to be entitled "An Act authorizing the Treasurer of the State of Texas, upon warrant drawn by the Comptroller, to pay off and discharge bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the date of the passage and taking effect of this act, and authorizing the Comptroller of Public Accounts to cancel said bonds and now held by any individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, August 3, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the

following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with. (See Appendix for committee reports.)

Morning call concluded.

SPECIAL COMMITTEE.

In accordance with House Concurrent Resolution No. 2, adopted on yesterday, the Chair announced the appointment of Senators Peeler and Meachum, on part of the Senate, to receive Governor Sanders of Louisiana on tomorrow afternoon.

SENATE BILL NO. 10.

Senate bill No. 3 being the regular order of business, Senator Harper moved that the regular order of business be suspended and that the Senate take up out of its order Senate bill No. 10.

The motion was adopted by the following vote:

Yeas—30.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.

Terrell of Bowie.	Ward.
Terrell of McLennan.	Watson.
Terrell of Wise.	Weinert.
Veale.	Willacy.

Absent.

Stokes.

Senator Harper moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of considering this bill (see Appendix for committee report).

The motion was adopted by the following vote:

Yeas—30.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Stokes.

On motion of Senator Harper the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College' all money collected under the Pure Feed Inspection Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same."

Bill read second time and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Adams.	Harper.
Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofer.	Kauffman.
Greer.	Kellie.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Terrell of McLennan.
Paulus.	Terrell of Wise.
Peeler.	Veale.
Perkins.	Ward.
Ratliff.	Watson.
Real.	Weinert.
Senter.	Willacy.

Absent.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Stokes. Terrell of McLennan.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 1.

Senate bill No. 3 being regular order, Senator Cofer moved that the regular order of business be suspended and that the Senate take up out of its order Senate Joint Resolution No. 1.

The motion was adopted by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Absent.

Stokes. Weinert.
Terrell of McLennan.

Senator Cofer moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of considering this resolution (see Appendix for committee report).

The motion was adopted by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Absent.

Stokes. Weinert.
Terrell of McLennan.

On motion of Senator Cofer, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

The resolution was read second time and ordered engrossed.

SENATE BILL NO. 3.

The Chair laid before the Senate, as regular order, and on second reading,

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

There being a majority and a minority committee report, the minority report being a substitute bill, the question being on the adoption of the committee report.

Senator Brachfield moved that the bill be laid on the table subject to call.

The motion was adopted.

EXECUTIVE SESSION.

Here the Chair (Lieutenant Governor Davidson) announced that the hour, 10:30 o'clock, had arrived at which time the Senate, by motion adopted on yesterday, had designated as the time for the Senate to sit in executive session for the purpose of considering appointments sent to the Senate by the Governor and other matters.

In executive session the following confirmation was made:

Commissioner of Insurance and Banking—Frederick C. Von Rosenberg of Travis county, Texas.

IN THE SENATE.

EXCUSED.

On motion of Senator Holsey, Senator Stokes was excused for non-attendance upon the Senate for yesterday and the balance of this week on account of sickness.

On motion of Senator Hudspeth, Senator Senter was excused for non-attendance upon the Senate for Monday and Tuesday on account of important business.

On motion of Senator Alexander, Senators Mayfield and Perkins were excused for non-attendance upon the Senate for Monday and Tuesday of this week on account of important business.

On motion of Senator Cofer, Senator Sturgeon was excused for non-attendance upon the Senate for Tuesday on account of important business.

ADDITION TO STANDING COMMITTEES.

The Chair announced that Senators Kauffman, Terrell of Wise and Ratliff were appointed on all the committees in order in which they come to fill vacancies of their predecessors, Senator Perkins being Chairman of Committee on Privileges and Elections.

RECESS.

On motion of Senator Veale, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 10, "An Act making appropriation for the purpose of building, remodeling, repairing, equipping and completing the construction of additions to the male and female departments and dining hall at the State Lunatic Asylum at Austin, and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution, and providing for the construction and equipment of a steam laundry at said institution; providing the manner of expending such appropriations and declaring an emergency."

EXECUTIVE SESSION.

At 3:30 o'clock p. m. the Senate resolved itself into an executive session.

IN THE SENATE.

SIMPLE RESOLUTION.

Senator Watson offered the following resolution, which was read and adopted:

Be it resolved by the Senate, That a committee of three be appointed by the President of the Senate to wait upon Hon. Jewel P. Lightfoot and request in the name of the Senate that the Hon. Jno. A. Mobley be appointed one of his Assistant Attorneys General.

Signed—Adams, Alexander, Brachfield, Bryan, Cofer, Greer, Harper, Holsey, Hudspeth, Hume, Kauffman, Kellie, Mayfield, Meachum, Murray, Paulus, Peeler, Perkins, Ratliff, Real, Senter, Sturgeon, Terrell of Bowie, Terrell of McLennan, Veale, Ward, Watson, Weinert, Willacy.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, August 3, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation amending Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled "An Act authorizing any county in the State of Texas having a population in excess of fifty thousand inhabitants by the last preceding United States census to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency," by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain such causeways, viaducts, bridges, and approaches by condemnation and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and prescribing the method of such proceedings.

2. Legislation amending Section 120 of the election law, relating to the nominations of candidates by political parties, so as to provide for the nomination of candidates for district and State offices by a majority of all the votes cast for such offices, and prescribing the duty of the State and district conventions in such cases, and the method of nominations in the event of the failure of any candidate to receive a majority of all the votes cast for such office, and to provide rules and regulations by which county candidates may be nominated.

3. Legislation to amend and strengthen the statutes regulating the granting of liquor licenses and the revocation and cancellation thereof, and the regulation of the liquor traffic, and to prohibit the same within ten miles of any State educational institution supported in whole or in part by appropriations from the State's general revenue, and such other legislation relative to the liquor traffic as the welfare of the State demands, and providing appropriate penalties for violations of such laws.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

By Senator Senter:

Senate bill No. 11, A bill to be entitled "An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled 'An Act authorizing any county in the State of Texas having a population in excess of fifty thousand inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency,' by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senators Terrell of Bowie, Perkins, Holsey, Bryan, Mayfield, Veale, Cofer, Stokes, Terrell of Wise, Greer, Brachfield, Ratliff, Ward, Alexander, Sturgeon:

Senate bill No. 12, A bill to be entitled "An Act to prohibit the drinking of spirituous, vinous or malt liquors, and medicated bitters, capable of producing intoxication on the premises where sold (in any locality of this State other than where local option is in force), and providing penalties therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Terrell of Bowie, Perkins, Holsey, Bryan, Mayfield, Veale, Cofer, Terrell of Wise, Greer, Sturgeon, Ratliff, Ward, Alexander and Stokes:

Senate bill No. 13, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous and malt liquors and medicated bitters capable of producing intox-

ication (in any locality of this State other than where local option is in force) in quantities of less than one quart, and prescribing penalties for violations thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Terrell of Bowie, Terrell of Wise, Perkins, Holsey, Stokes, Bryan, Brachfield, Mayfield, Greer, Veale, Ratliff, Cofer, Ward, Alexander and Sturgeon:

Senate bill No. 14, A bill to be entitled "An Act to amend Section 14 of Chapter 17 of the Acts of the Regular Session of the Thirty-first Legislature the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and association of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold and otherwise regulating such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which liquor licenses may be obtained,

transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto; and repealing all laws or parts of laws in conflict herewith; requiring licenses to be issued under this act, and prescribing the continuation in force of licenses issued under prior law for sixty days after this act takes effect in order to give time for securing licenses under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency," by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is in force to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day, and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Sturgeon, Cofer, Terrell of Wise, Ward and Veale:

Senate bill No. 15, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, within ten miles of the State University of Texas and all branches thereof, including the Agricultural and Mechanical College, except for medicinal, mechanical or sacramental purposes, and fixing the penalties therefor, repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Cofer and Bryan:

Senate bill No. 16, A bill to be entitled "An Act to amend Section 120 of the election law as passed by the Thirtieth Legislature, entitled 'An Act to amend Section No. 114, and add Section 114a, which prescribes for a uniform test, an act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and to pro-

vide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903, and also to amend Section 120 of said acts as amended by the Second Called Session of the said Twenty-ninth Legislature; also to amend Section 141 of said Acts passed at the First Called Session of the Twenty-ninth Legislature; also to amend Section 106 of said act passed at the First Called Session of the Twenty-ninth Legislature, and declaring an emergency."

Read first time, and referred to Committee on Privileges and Elections.

By Senators Cofer and Sturgeon:

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Cofer and Sturgeon:

Senate bill No. 18, A bill to be entitled "An Act to amend Chapter 17, of the Acts of the Thirty-first Legislature, page 293, approved April 17, 1909, and amending Section 9, page 296, of said act so as to require the applicants for retail liquor dealer's license or malt liquor dealer's license to make application on oath to the Comptroller of Public Accounts of this State, embracing in said application and statement that the applicant or applicants have not contributed any money or valuable thing, directly or indirectly, to any campaign fund in any election, and to amend Section 15, page 304, of said Acts, so as to prescribe the conditions of the bond to be given in order to sell spirituous, vinous or malt liquors or medicated bitters; prescribing conditions of said bonds, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

SIMPLE RESOLUTION — ADOPTION OF.

Action here recurred on the simple resolution by Senator Watson et al., and the same was adopted.

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 6:45 o'clock p. m., adjourned until 11 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College,' all moneys collected under the Pure Feed Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Willacy, Chairman; Brachfield, Terrell of Bowie, Paulus, Murray, Harper, Holsey, Weinert, Peeler, Meachum.

(Floor Report.)

Austin, Texas, August 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 1, To ratify the Sixteenth Amendment to the Constitution of the United States of America, relating to the power of Congress to levy a tax on incomes,

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Veale, Chairman; Cofer, Brachfield, Weinert, Perkins, Watson, Stokes.

Committee Room,
Austin, Texas, August 3, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America,

And find the same correctly engrossed,
WARD, Chairman.

Committee Room,
Austin, Texas, August 3, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College,' all moneys collected under the Pure Feed Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

TENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, August 4, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Meachum.

Absent—Excused.

Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal

of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for committee reports.)

Morning call concluded.

SENATE JOINT RESOLUTION NO. 1.

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

The resolution was read third time, and passed by the following vote:

Yeas—28.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—1.

Hume.

Absent.

Meachum.

Absent—Excused.

Stokes.

Senator Cofer moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 13, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employees; providing for a complete system of accounting, bookkeeping and auditing for

said departments with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk, and prescribing his duties; providing for filling vacancies in the office of the Comptroller; repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847 and 2848 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comptroller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill: House bill No. 13, referred to Committee on State Affairs.

HOUSE BILL NO. 5.

Senator Alexander moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion was adopted by the following vote:

Yeas—28.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Wallacy.

Nays—1.

Kauffman.

Absent.

Meachum.

Absent—Excused.

Stokes.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 5, A bill to be entitled "An Act to prohibit the exhibition or representation of prize fights and glove contests by moving picture films or other means. and creating an emergency."

(Senator Senter in the chair.)

The committee having recommended a substitute bill, and that the bill be not printed, the question was on the adoption of the committee report.

The committee report was adopted.

Senator Veale offered the following amendment:

Amend the bill by striking out all after the words "A bill," and substitute the caption and bill of the House.

COFER,

VEALE.

Senator Alexander made the point of order on the amendment, contending that the action by which the Senate adopted the committee report, which recommended a substitute bill, would preclude again substituting the same subject matter that the Senate had voted on, in the form of an amendment.

The Chair (Senator Senter) sustained the point of order.

Senator Veale offered the following amendment:

Amend the bill by striking out all of Section 1 of the bill and insert in lieu thereof the following:

"Section 1. That any person, corporation or association of persons who shall exhibit, produce or be concerned in exhibiting or producing any representation of any prize fight or any glove contest, or the presentation of any legal hanging or execution of a human being, or the hanging, burning or other means of execution of any human being by any mob, or the representation of any bull fight, train robbery, bank robbery, or stage coach robbery, or lewd, lascivious or obscene pictures, by means of moving picture films or by any other means whatsoever in any theater, opera house, tent or moving picture show, or in any other public place, whether a fee of admission is charged or not, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, and shall be imprisoned in the county jail not less than thirty nor

more than ninety days. Each exhibition prohibited in this section shall constitute a separate offense."

VEALE,
COFER,
STURGEON.

Senator Alexander moved to table the amendment.

Senator Watson made the point of order that the matter contained in the amendment does not come within the call of the Governor, submitting this subject for legislation.

Here Senator Sturgeon moved that the Senate recess until 2:30 o'clock today.

The motion was lost.

Action recurred on House bill No. 5, the question being on the point of order by Senator Watson, and the Chair (Senator Senter) sustained the point of order, stating that a part of the subject matter contained in the amendment was germane to the call of the Governor, but, taking it as a whole, it would not be germane.

Senator Veale appealed from the ruling of the Chair.

President Pro Tem. Alexander was called to the chair.

Question—Shall the Chair be sustained?

The Senate sustained the ruling of the Chair.

Senator Senter again took the chair.

Bill read second time, and passed to third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume.

Terrell of McLennan.

Stokes.

Absent—Excused.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—1.

Hume.

Absent.

Terrell of McLennan.

Absent—Excused.

Stokes.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

VOTE RECORDED.

Senator Willacy here moved that unanimous consent be granted for Senators Mayfield and Holsey to be recorded as voting "yea" on Senate Joint Resolution No. 1, they having been absent at the time the vote was taken attending Senator Stokes, who was ill.

The motion was unanimously adopted.

OBJECTION TO PRESENTING COMMITTEE REPORT.

Senator Harper here asked unanimous consent to present a committee report on Senate bill No. 12.

Senator Terrell of Bowie objected.

RECESS.

On motion of Senator Cofer, the Senate recessed until 7:50 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

In accordance with a concurrent resolution, the Senate repaired to the Hall of the House of Representatives for the purpose of participating in the joint session to hear the address of Governor Sanders.

IN JOINT SESSION.

RECEPTION TO GOVERNOR J. Y. SANDERS, OF LOUISIANA.

At 8:10 p. m., the Honorable Senate of Texas was announced at the bar of the House, and the Speaker directed the Doorkeeper to admit them.

Accompanied by Secretary Clyde D. Smith, Journal Clerk R. M. Gilmore and Sergeant-at-Arms M. F. Hornbuckle, the Senators advanced into the Hall and occupied the seats that had already been provided for them along the aisle.

Lieutenant Governor A. B. Davidson, presiding on part of the Senate, was invited to a seat on the rostrum at the right of the Speaker of the House.

The President of the Senate directed the Secretary to call the roll of the Senate, and the following Senators answered to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Hume.	Paulus.
Mayfield.	Willacy.

Absent—Excused.

Stokes.

Senators present, 26.

Necessary to a quorum, 21.

President Davidson announced a quorum of the Senate present.

Speaker Marshall then directed the Clerk to call the roll of the House, and the following members answered to their names:

Anderson.	Ballengee.
Aston.	Barrett.
Baker of Hood.	Bartlett.

Bell.	McCallum.
Bierschwale.	McDaniel.
Bogard.	McKinney.
Boswell.	McLain.
Bowles.	Minton.
Branch.	Moller.
Briscoe.	Morris.
Brooks.	Munson.
Brookshire.	Nelson of Hopkins.
Brownlee.	Nelson of
Buchanan.	Kaufman.
Byrne.	Nickels.
Canales.	O'Bryan.
Cathey.	O'Bryant.
Caves.	Odom.
Cox.	Perkins.
Craven.	Porter.
Crawford.	Ray.
Crisp.	Rayburn.
Crockett of	Reedy.
Mitchell.	Reid.
Cureton.	Roach.
Currey.	Roberson of Erath.
Davis.	Robertson of Bell.
Dotson.	Ross.
Driggers.	Schluter.
Elliott.	Schofield.
Fant.	Self.
Fuller.	Smith.
Gilmore.	Spradley.
Goodman.	Stamps.
Graham.	Standifer.
Hamilton of	Stephenson.
Childress.	Stepter.
Hamilton of	Tarver.
McCulloch.	Terrell of Bexar.
Harman.	Tillotson.
Haxthausen.	Turner.
Hill.	Turney.
Humphrey.	Vaughan.
Jennings.	Von Rosenberg.
Johnston.	Walter.
Kennedy.	Watson.
Lawson.	Werner.
Looney.	Wilburn.
Maddox.	Wilson.
Mason.	Wortham.
Matthews.	Yantis.
Maxwell.	

Absent.

Adams.	Keeble.
Baker of Panola.	Lively.
Bostic.	McGown.
Cable.	Pearson.
Chaney.	Pharr.
Fitzhugh.	Rabb.
Flournoy.	Stratton.
Highsmith.	Strickland.
Johnson.	Wahrmond.

Absent—Excused.

Brown.	Jackson.
Crockett of	Leach.
Washington.	Lee.
Dalby.	Luce.
German.	McDonald.

Ralston.
Robertson of
Travis.

Stead.
Terrell of
Cherokee.

Representatives present, 100.

Necessary to a quorum, 89.

The Speaker announced a quorum of the House present.

Speaker Marshall then announced the two houses in joint session in accordance with the provisions of a concurrent resolution adopted, the purpose of the joint session being to receive Hon. J. Y. Sanders, Governor of Louisiana, who had been invited to address the Legislature.

At 8:30 p. m. the committee appointed to accompany Governor Sanders to the Hall appeared at the bar of the House and approached the Speaker's stand.

Governor T. M. Campbell, Governor Sanders, Hon. O. B. Colquitt and the committees of the Senate and House occupied seats on the Speaker's stand.

Speaker Marshall introduced Governor T. M. Campbell, who in a short address introduced Governor Sanders to the assemblage.

Governor Sanders then addressed the assemblage, presenting the claims of New Orleans for the exposition celebrating the opening of the Panama Canal.

SENATE RETIRES.

On motion of Senator Cofer, the Senate, at 9:15 p. m., retired to its Chamber.

IN THE SENATE.

At the conclusion of the joint session the Senate returned to the Senate Chamber, and was called to order by Lieutenant Governor Davidson.

ADJOURNMENT.

Senator Perkins moved that the Senate adjourn until 10 o'clock Saturday morning.

Senator Hume made a substitute motion that the Senate adjourn until 10 o'clock Friday morning.

Action being on the longest time first, the motion to adjourn until 10 o'clock Saturday morning prevailed by the following vote:

Yeas—14.

Alexander.
Brachfield.
Bryan.
Cofer.
Greer.

Holsey.
Mayfield.
Perkins.
Ratliff.
Sturgeon.

Terrell of Bowie.

Terrell of Wise.

Veale.

Ward.

Nays—11.

Adams.

Harper.

Hudspeth.

Hume.

Kauffman.

Kellie.

Murray.

Real.

Senter.

Watson.

Weinert.

Absent.

Meachum.

Paulus.

Peeler.

Terrell of McLennan.

Willacy.

Absent—Excused.

Stokes.

APPENDIX.

COMMITTEE REPORT.

Committee Room,

Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

House bill No. 5, A bill to be entitled "An Act to prohibit the exhibition or representation of prize fights and glove contests, legal hangings or executions of human beings, or the hanging, burning or other means of execution of human beings by any mob, representations of hull fights, train robberies, stage coach robberies, bank robberies, or of lewd, lascivious or obscene pictures by moving picture films or other means, providing a penalty therefor, and creating an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but the following substitute do pass in lieu thereof, and that it be not printed:

A BILL

To Be Entitled

An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture films, biograph, magic lanterns or other devices in moving picture shows, theaters, or any other place whatsoever, by any association, corporation or any agent or employee of any person, association, corporation or receiver, firm or person; providing penalties therefor, and to repeal all laws in conflict with this act, and provid-

ing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a of the Penal Code of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any association, corporation, or any agent or employe of any person, association, corporation or receiver, partnership, firm or person to give or present to the public an exhibition of prize fights or glove contests or of any obscene, indecent or immoral picture of any character whatsoever by means of moving picture films, biographs, vitiscopes, magic lanterns or other device or devices in moving picture shows, theaters or any other place whatsoever.

Sec. 2. Any person or persons, association, or any agent or employe of any person, association, corporation or receiver violating any of the provisions of Section 1 of this act shall, upon conviction thereof, be fined in any sum not less than one hundred dollars and not more than one thousand dollars, or be imprisoned in the county jail for not less than ten nor more than sixty days or both, in the discretion of the court or jury, and each day's violation of any of the provisions of this act constitute and be punishable as a separate offense.

Sec. 3. All laws and parts of laws in conflict herewith be and the same are hereby repealed. But this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a of the Penal Code of Texas.

Sec. 4. The fact that there is no general law in force in this State preventing the unlawful exhibiting of prize fighting and the exhibiting of obscene views by moving pictures and other devices, constitute an imperative public necessity that the constitutional rule requiring bills to be read in each house of the Legislature on three several days be suspended, and said rule is so suspended.

HARPER, Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Saturday, August 6, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Paulus.

Absent—Excused.

Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with. (See Appendix for committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, August 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College' all money collected under the Pure Feed Inspection Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same," with amendments.

House Joint Resolution No. 1 (C. S. H. J. R. Nos. 1 and 2), Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

House bill No. 18, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston bay, to connect as part of the roadways of the county on the island and mainland and the

county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause, approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act."

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency," with amendments.

Senate bill No. 8, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,-

500 for that purpose, and declaring an emergency."

House Concurrent Resolution No. 3, Requesting our Representatives in Congress and our United States Senators to use their influence to secure the holding of an exposition in the city of New Orleans to commemorate the completion of the Panama Canal.

Also concurs in Senate amendments to House bill No. 5 by the following vote: Yeas, 102; nays, 10.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS AND RESOLUTIONS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills and resolutions:

House Concurrent Resolution No. 3, referred to Committee on State Affairs.

House Joint Resolution Nos. 1 and 2, referred to Committee on Constitutional Amendments.

House bill No. 18, referred to Committee on Towns and City Corporations. Morning call concluded.

SENATE BILL NO. 10—HOUSE AMENDMENTS CONCURRED IN.

Senator Harper called up, as a privileged matter,

Senate bill No. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College,' all moneys collected under the Pure Feed Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

Strike out all after the enacting clause and insert the following in lieu thereof:

"Section 1. That all money or moneys heretofore or hereafter collected by the officers and employees of the A. and M. College, under the provisions of the Pure Feed Acts, passed by the Twenty-ninth Legislature, being Chapter 108 and 118 of said Acts, and amended by Chapter 131, Acts of the Thirtieth Legislature, regulating the sale of concentrated commercial feed stuffs and so forth, and paid

into the State Treasury, and not heretofore expended for and on behalf of the A. and M. College, be and the same are hereby transferred and appropriated to the use and benefit of the A. and M. College of Texas, and the Treasurer of this State shall keep an account on his books to be designated and known as 'Pure Feed Fund of the A. and M. College,' and to which said fund he shall at once transfer from the general fund all funds heretofore collected and paid into the general fund by said Pure Feed Department of the A. and M. College under said acts (and not expended for the use of the A. and M. College), and shall place all funds hereafter collected under said acts to said fund.

"Sec. 2. Said fund so appropriated and collected shall be used by the board of directors of the A. and M. College for making all necessary repairs at the A. and M. College, erection of buildings and other improvements, and for such other purposes as may be deemed advisable by the board of directors, and said funds shall be paid out by the State Treasurer on warrants issued by the president and secretary of the board of directors. The said board of directors shall on the 31st day of August of each year file a sworn report with the Governor, giving an itemized statement of all receipts and disbursements of said fund for the year ending on said date.

"Sec. 3. All laws and parts of laws in conflict with this act be and they are hereby repealed.

"Sec. 4. The fact that there is now an urgent necessity for certain repairs and other improvements to be made at the A. and M. College, and there are now no funds available for that purpose, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

Also amend the caption by striking out all after "A bill to be entitled" and insert the following in lieu thereof:

"An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College,' any money or moneys heretofore or hereafter collected under the Pure Feed Acts of the Twenty-ninth Legislature, and amended by Chapter 131, Acts of the Thirtieth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same, and declaring an emergency."

The motion to concur prevailed by the following vote:

Yeas—28.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Cofer.

Paulus.

Absent—Excused.

Stokes.

Senator Harper moved to reconsider the vote by which the amendments were concurred in and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 3—MADE SPECIAL ORDER.

Senator Hudspeth called up, out of its regular order,

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

And moved that the bill be made a special order for next Thursday morning at the conclusion of the morning call.

Senator Meachum moved the previous question on the motion, which motion being duly seconded, was so ordered.

The motion to make the bill a special order prevailed.

HOUSE CONCURRENT RESOLUTION NO. 1.

Senator Holsey moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of considering House Concurrent Resolution No. 1.

The motion prevailed by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Nays—2.

Harper.	Weinert.
	Absent.
Paulus.	Absent—Excused.
Stokes.	

The Chair laid before the Senate, House Concurrent Resolution No. 1, Providing for the appointment of a committee to investigate certain charges made against the Regular and former Called Sessions of this Legislature.

The resolution was read and the Chair (Lieutenant Governor Davidson) directed the reading of a letter from Hon. M. M. Crane, in reply to the inquiry sent him several days since.

(President Pro Tem. Alexander was called to the chair.)

Senator Holsey moved that the committee report be adopted.

Senator Meachum moved that the further consideration of the resolution be postponed and made a special order for Monday, August 15, 1910, after the morning call.

On that motion Senator Watson moved the previous question, which motion being duly seconded, was ordered by the following vote:

Yeas—15.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—14.

Alexander.	Greer.
Brachfield.	Holsey.
Bryan.	Mayfield.
Cofer.	Perkins.

Ratliff.	Terrell of Wise.
Sturgeon.	Veale.
Terrell of Bowie.	Ward.

Absent.

Paulus.

Absent—Excused.

Stokes.

Action recurred on the motion to postpone and make the resolution a special order for Monday, August 15, 1910, at the conclusion of the morning call.

The roll was called, the yeas and nays being demanded, the following being the vote:

Yeas—15.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Paulus.

Absent—Excused.

Stokes.

The Chair (President Pro Tem. Alexander) declared the vote, and Senator Cofer made the point of order that it requires a two-thirds vote to postpone the order of business.

The Chair (President Pro Tem. Alexander) overruled the point of order, holding that a majority vote was all that was necessary to postpone pending business.

The motion to postpone and make the resolution a special order was declared adopted.

(Lieutenant Governor Davidson in the chair.)

SENATE BILL NO. 12.

Senator Meachum here moved to suspend the Senate rule requiring committee reports to lie over for one day for the purpose of considering Senate bill No. 12. (Senator Senter in the chair.)

Pending discussion on the above mo-

tion, Senator Hume moved the previous question on the pending motion, which being duly seconded, was so ordered by the following vote:

Yeas—15.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holscy.	Veale.
Mayfield.	Ward.

Absent.

Paulus.

Absent—Excused.

Stokes.

The question recurred on the motion by Senator Meachum to suspend the Senate rule requiring committee reports to lie over for one day.

The motion was lost by the following vote:

Yeas—15.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holscy.	Veale.
Mayfield.	Ward.

Absent.

Paulus.

Absent—Excused.

Stokes.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did

sign, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 5, "An Act to prohibit the exhibition or representation of prize fights and glove contests by moving picture films or other means, and creating an emergency."

ADJOURNMENT.

Senator Meachum moved that the Senate adjourn until 1 o'clock p. m. this day, the 6th day of August.

Senator Holscy moved as a substitute that the Senate adjourn until next Wednesday at 8 o'clock p. m.

Senator Watson made the point of order on the substitute motion that it was in violation of the Constitution, which provided that one branch of the Legislature could not adjourn for more than three days without the consent of both houses.

The point of order was sustained.

Senator Terrell of Bowie made a point of order that the legislative day was midnight to midnight, and that two legislative days could not be considered in one.

Pending discussion on the point of order by Senator Terrell of Bowie, Senator Weinert made the further point of order, that a motion to adjourn was not debatable, and that a point of order to a motion to adjourn was not in order.

The Chair (Senator Senter) overruled the point of order.

The Chair here reversed his ruling on the substitute motion to adjourn until Wednesday at 8 o'clock and stated that the motion was in order.

Action then recurred on the motion to adjourn until Wednesday at 8 o'clock p. m.

The motion was lost by the following vote:

Yeas—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holscy.	Veale.
Mayfield.	Ward.

Nays—15.

Adams.	Kellie.
Harper.	Meachum.
Hudspeth.	Murray.
Hume.	Peeler.
Kauffman.	Real.

Senter. Weinert.
Terrell of McLennan. Willacy.
Watson.

Absent.

Paulus.

Absent—Excused.

Stokes.

Action then recurred on the motion to adjourn until 1 o'clock p. m. Saturday, August 6, 1910.

The motion was adopted by the following vote:

Yeas—15.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Paulus.

Absent—Excused.

Stokes.

APPENDIX.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,

Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 12, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, and further recommend it be not printed but be printed in the Journal.

HARPER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judi-

ciary Committee No. 2, to whom was referred Senate bill No. 12, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

STURGEON,
GREER,
ALEXANDER,
COFER.

Following is the bill in full:

S. B. No. 12. By Senators Terrell of Bowie, Perkins, Cofer, Holsey, Stokes, Bryan, Terrell of Wise, Mayfield, Greer, Veale, Brachfield, Ratliff, Ward, Alexander, Sturgeon.

A BILL

To Be Entitled

An Act to prohibit the drinking of spirituous, vinous or malt liquors, and medicated bitters capable of producing intoxication on the premises where sold in any locality of this State, other than where local option is in force) and providing penalties therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall hereafter be unlawful for any firm, person or association of persons, agent or employe of such firm, person or association of persons, who are engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication (in any locality of this State, other than where local option is in force), to allow the same to be opened or drank in the building where such spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, are sold, or in any building connected with such place.

Sec. 2. Any person who shall violate any of the provisions of Section 2 of this act, shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for not less than one nor more than three years.

Sec. 3. The fact that there is now no law prohibiting the drinking of intoxicating liquor on the premises where sold, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and that this act

take effect from and after its passage, and it is so enacted.

(Majority Report.)

Committee Room,
Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 13, have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass and further recommend that it be not printed but be printed in the Journal.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 13, have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass.

GREER,
ALEXANDER,
STURGEON,
COFER.

Following is the bill in full:

S. B. No. 13.

By Senators Terrell of Bowie, Perkins, Holsey, Alexander, Stokes, Bryan, Mayfield, Veale, Cofer, Terrell of Wise, Greer, Sturgeon, Ratliff, Ward.

A BILL

To Be Entitled

An Act to prohibit the sale of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication (in any locality of this State other than where local option is in force) in quantities of less than one quart, and prescribing penalties for violations thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall hereafter be unlawful for any person, either for himself or as the agent or employe of another, to sell any spirituous, vinous or malt liq-

uors or medicated bitters capable of producing intoxication (in any locality of this State other than where local option is in force) in quantities of less than one quart, which quart shall be in an unbroken package or vessel.

Sec. 2. Any person who shall violate the provisions of Section 1 of this act shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the penitentiary for not less than one year nor more than two years.

Sec. 3. The fact that the way intoxicating liquors are now sold is a menace to the public welfare, creates an emergency and imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

(Majority Report.)

Committee Room,
Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 14, have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass, and further recommend that it be not printed, but be printed in the Journal.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 14, have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass.

COFER,
ALEXANDER,
STURGEON.

Following is the bill in full:

S. B. No. 14.

By Senators Terrell of Bowie, Perkins, Cofer, Holsey, Terrell of Wise, Bryan, Stokes, Mayfield, Brachfield, Veale, Greer, Ratliff, Ward, Alexander, Sturgeon.

A BILL

To Be Entitled

An Act to amend Section 14, of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the same being "An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act providing same is not sold to be drunk on the premises where sold; and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this act, and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in con-

flict herewith, requiring licenses to be issued under this act, and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency," by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is enforced to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person or firm having a license under the provisions of this act who may be engaged or who may hereafter be engaged in the sale of intoxicating liquors (in any locality in this State other than where local option is in force) shall close and keep closed their houses and places of business and transact no business therein or therefrom and make no sale of intoxicating liquors therein or therefrom from and after 6 o'clock p. m. until 7 o'clock a. m. of the succeeding day of each week and shall close and keep closed their houses and places of business and transact no business therein or therefrom and shall sell no intoxicating liquors therefrom after 6 o'clock p. m. on Saturday evening until 7 o'clock a. m. the following Monday of each week, and any such person or firm or his or their agent or employe who shall open or keep open or permit to be opened or kept open any such place or places of business for the purpose of traffic or who shall sell or barter or permit to be sold or bartered any intoxicating liquors of any kind or who shall transact or permit to be transacted therein or therefrom any such business between the hours aforesaid shall be deemed

guilty of a felony and on conviction shall be punished by confinement in the penitentiary for not less than one year nor more than three years.

Sec. 2. The fact that the present law is defective and that this is an extra session and that the calendar is, or will be, badly crowded creates an emergency and an imperative public necessity for the suspension of the constitutional rule which requires bills to be read on three several days and that this act should be in force from and after its passage, it is therefore hereby so enacted.

(Majority Report.)

Committee Room,

Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 15, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, and be not printed but be printed in the Journal.

HARPER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 15, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

COFER,
ALEXANDER,
STURGEON.

Following is the bill in full:

S. B. No. 15. By Senators Sturgeon, Cofer, Terrell of Wise, Ward, Veale.

A BILL

To Be Entitled

An Act to prohibit the exchange, barter and sale of spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication within ten miles of the State University of Texas, and all branches thereof, including the Agricultural and Mechanical College: except for medicinal,

mechanical or sacramental purposes, and fixing the penalty therefor, repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person or firm or association of persons to exchange, sell or barter any spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication, except for medicinal, mechanical or sacramental purposes within ten miles of the State University of Texas and all branches thereof, including the Agricultural and Mechanical College.

Sec. 2. It shall be unlawful for any person, corporation or firm or association of persons or their agent or agents to rent or lease any premises for the purpose of carrying on any of the things prohibited in Section 1 of this act within ten miles of the State University of Texas and all branches thereof, including the Agricultural and Mechanical College.

Sec. 3. Anyone violating the provisions of Sections 1 and 2 of this act shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the State penitentiary for any term not less than one nor more than five years.

Sec. 4. There being no law in the State of Texas to protect said institution from the sale, barter or exchange of spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication, and there being a great necessity for the immediate protection of said institution, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, that this act take effect and be in force from its passage, and it is so ordered.

Committee Room,

Austin, Texas, August 4, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 17, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed but printed in the Journal.

HARPER, Chairman.

Following is the bill in full:

S. B. No. 17. By Senators Cofer and Sturgeon.

A BILL

To Be Entitled

An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency.

Section 1. If any member of any club, lodge or other association of persons, who has intoxicating liquor stored, kept or deposited on premises owned, occupied or controlled by such organization or association of persons, shall drink the same on said premises or permit any other person to drink the same on said premises, he shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine in any sum not less than \$25 nor more than \$100, and by confinement in the county jail not less than twenty nor more than sixty days.

Sec. 2. If any agent, servant or employe of any such lodge, club or other association of persons which permits its members or other persons to keep, store and deposit intoxicating liquors upon its premises, shall permit said members or any other person to drink said liquors on said premises, he shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine of not less than \$25 nor more than \$100, and by confinement in the county jail not less than twenty nor more than sixty days.

Sec. 3. Provided, that the provisions of this act shall only apply to counties, justices' precincts, cities, towns and other subdivisions which have heretofore prohibited the sale of intoxicating liquor according to law or which may hereafter prohibit the sale of such liquors within such subdivisions.

Sec. 4. The repeated and habitual use of premises occupied by clubs and lodges for the purpose of drinking intoxicating liquor and the inadequacy of the present law to prevent such conduct, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three sev-

eral days, and the said rule is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted.

(Majority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 18, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but be printed in the Journal.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 18, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

COFER,
RATLIFF,
WARD,
BRACHFIELD.

Following is the bill in full:

S. B. No. 18. By Senators Cofer and Sturgeon.

A BILL

To Be Entitled

An Act to amend Chapter 17 of the Acts of the Thirty-first Legislature, page 293, approved April 17, 1909, and amending Section 9, page 296, to said act so as to require the applicants for a retail liquor dealer's license or malt liquor dealer's license to make application on oath to Comptroller of Public Accounts of this State, embracing in said application and statement that the applicant or applicants have not contributed any money or other valuable thing, directly or indirectly, to any campaign fund in any election; and to amend Section 15, page 304, of said Acts so as to prescribe the conditions of the bond to be given in order to sell spirituous, vinous or malt liquors or medicated bitters, prescribing conditions of said bond and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 9, page 296 of Chapter 17 of the Acts of the Thirty-first Legislature, approved April 17, 1909, be amended so as to hereafter read as follows:

That any person or persons desiring to obtain a "retail liquor dealer's" license in this State or a "retail malt dealer's license," shall before filing his or their petition for such license with the county judge as now provided by this act, make application under oath, to the Comptroller of Public Accounts of this State, for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we, and of the county of, State of Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers) under the laws of this State, said business to be conducted at No. street, in in the county of, State of Texas, that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place; that I, or we, have resided for the past two years in county, State of Texas, and during said time have been engaged in the business of; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not since the first day of May, A. D. 1909, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12 o'clock midnight on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; or since said date, either in person or by agent or employe knowingly sold or permitted to be sold or given away in or near any such place of business any spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, to any person under the age of 21 years, or to any stu-

dent of any institution of learning or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard; or permitted any person not over the age of 21 years to enter and remain in such house or place of business or permitted any games prohibited by the laws of this State, to be played, dealt or exhibited in or about such house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind or sold or permitted, aided or advised in selling under a "retail malt dealer's" license any other liquors than those defined by the law as "malt liquors," and that neither I nor the firm of which I am a member, nor any member of said firm, have directly or indirectly, since the taking effect of this act, while engaged in the business of selling spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, contributed and will not during the existence of this license contribute any money or valuable thing to any campaign fund in behalf of or against any candidate for any office whatever or in behalf of or against any measure voted upon in any election at any primary, city, county, State, general or special or other election, and that we, nor any of us, have not during said time and will not during the existence of this license contribute any money or valuable thing to any other person or association of persons or corporations directly or indirectly, to be used in furthering or opposing any candidate or carrying or defeating any measure voted upon in any primary, city, county, State, general or special election.

And if the permission herein sought be granted and the said retail license be issued, I (or we) will not either in person or knowingly by any agent, employe or representative during the year for which said license shall run, keep open house or place where liquors shall be sold under such license for the sale thereof or transact such business in such house or place of business after 12 o'clock midnight on Saturday and between that hour and 5 o'clock a. m. on the following Monday of any week; or knowingly sell in or near any such place of business or give away or permit to be given away any spirituous, vinous or

malt liquors, or medicated bitters capable of producing intoxication to any person under the age of 21 years, or to any student of any institution of learning or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer, by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of 21 years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted, for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind, and if the application be for a "retail malt dealer's" license it shall further state that he or they under the said license will not sell any other liquors than those defined by law as "malt liquors."

And it is hereby agreed that if the license to be applied for be issued, that the same will be issued upon condition that it shall remain in force only so long as I (or we) observe and carry out each and all of the declarations herein made, and that in the event I (or we) violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this act, may rescind, cancel and annul the said State and county license granted in pursuance of this application and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and that I (or we) will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller cancelling and rescinding such license shall be annulled, in case such licenses shall have been cancelled by the Comptroller.

.....
.....

Sworn to and subscribed before me, a

....., within and for the county of....., State of Texas, by..... on this, the....day of....., 19....

(L. S.)

(Signature of officer.)

That upon receiving such application it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same, and if he is satisfied that such applicant is entitled to such permit, he shall upon the payment to him by the applicant of \$2.00 issue to him such permit, under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant, and the said permit, together with the certified copy of said application, shall be filed with the county judge together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge, and no petition for license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Sec. 2. That Section 15, page 304, of Chapter 17 of the Acts of the Thirty-first Legislature, regulating the sale of intoxicating liquors and approved April 17, 1909, be amended so as to hereafter read as follows:

That every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of \$5000; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of \$1000, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit before some officer authorized to administer oaths, that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they sign as sureties, and no county judge shall approve any such bond unless the affidavit as provided for in this section shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond, and any person who shall make any false affidavit as

required by this act shall be punished as provided for in the Penal Code of this State. Provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge, which bond shall be conditioned that said person or firm: so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity to be drunk on the premises, shall not either in person or knowingly by any agent, employe or representative during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof or transact such business in such house or place of business after 12 o'clock midnight on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, and that such person, or firm or his or their agent or employe, will not sell or permit to be sold in his or their house or place of business, nor give nor permit to be given any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of 21 years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing through the sheriff or other peace officer by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in effect for a period of two years not to sell to any such person and that he or they will not permit any person under the age of 21 years to enter and remain in such house or place of business, that he or they will not permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not know-

ingly sell or give away any impure or adulterated liquors of any kind; and that he or they will not while engaged in such business contribute any money or other thing of value directly or indirectly to any campaign fund to assist in the election or defeat of any candidate or to carry or defeat any measure voted upon in any primary, city, county, State, general, special or local election; which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose, for which service said clerk shall be entitled to a fee of 75 cents, which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of \$500 as liquidated damages for each infraction of the conditions of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorney, or either of them, to institute suit thereupon, or any person owning real property in the county may institute suit thereupon, in the name of the State of Texas, for the use and the benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs, and the amount of \$500 as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond upon the breach of any of the conditions thereof; and hereafter when any recovery is had by any person or by any county or district attorney for the use and benefit of the county in any action in any court of competent jurisdiction upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licenses sold or permitted to be sold, or gave or permitted to be given any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard after having

been notified in writing not to sell to such habitual drunkard or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games permitted by the law to be played, dealt or exhibited in or about his place of business, or any part thereof for such purpose or purposes, the license of such person or firm shall by reason of such recovery be forfeited, revoked and cancelled and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and cancelled such license, and the unearned portion of the occupation tax paid therefor shall not be refunded but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond, as required by this act, or who shall sell the same after said licenses have been forfeited, revoked or cancelled, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for sales where no license has been obtained.

An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such place of business for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where any intoxicating liquors are sold to be drunk on the premises.

A quiet house or place of business in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways.

By an orderly house is meant one in which no prostitutes or lewd women or woman are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures.

Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and by filing with the county judge an affidavit that such notice has been given, and if within five days after such notice the principal fails to make a new bond he shall cease to pursue said business until a new bond

is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there are good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this act shall apply to suits by the State or by any individual. Provided, that no license shall be issued under this act to any person who has been convicted of a felony and served such term of conviction.

Sec. 3. Since there is now no law prohibiting liquor dealers from making contributions to campaign funds and the near approach of the close of the Special Session of the Legislature creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and that this act shall be in force and effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith' and other words and terms used in this act providing the forms of bills of lading and their essential terms, fixing the obligations and rights of carriers and under their bill of lading; providing for the transfer and negotiation of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected to the insurance and handling of bills of lading; fixing penalties and punishments for such offenses. Containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

Have had the same under considera-

tion and beg to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred House Concurrent Resolution No. 1, have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Privileges and Elections, to whom was referred House Concurrent Resolution No. 1, have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

HUME.

(Majority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

Senate bill No. 16, A bill to be entitled "An Act to amend Section 120 of the election law as passed by the Thirtieth Legislature, entitled 'An Act to amend Section No. 114 and add Section 114a, which prescribes for a uniform test, and act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and provide penalties for its violation and to repeal the act of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903'; and also to amend Section 120 of said Acts as amended by the Second Called Session of the said Twenty-ninth Legislature; also to amend Section 141 of said act passed at the First Called Session of the Twenty-ninth Legislature,

also to amend Section 106 of said act passed by the First Called Session of the Twenty-ninth Legislature,' and declaring an emergency,"

Have had same under under consideration and beg leave to report it back to the Senate with the recommendation that it do not pass.

PERKINS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Privileges and Elections, to whom was referred

Senate bill No. 16, A bill to be entitled "An Act to amend Section 120 of the election law as passed by the Thirtieth Legislature, entitled 'An Act to amend Section 114 and Section 114a, which prescribes a uniform test, and act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and provide penalties for its violation, and to repeal the act of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903'; and also to amend Section 120 of said Acts as amended by the Second Called Session of the said Twenty-ninth Legislature; also to amend Section 141 of said act passed at the First Called Session of the Twenty-ninth Legislature; also to amend Section 106 of said act passed by the First Called Session of the Twenty-ninth Legislature,' and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

COFER.

PETITIONS AND MEMORIALS.

By Senator Cofer:

Galveston, Texas, August 5, 1910.

Senator Cofer, Austin, Texas.

Dear Sir: I have been reading with a great deal of interest the articles in the newspapers of the past few days with regard to the work of the Legislature along the line of restricting the liquor traffic in the State of Texas.

In behalf of the Texas Christian Endeavor Union, representing about six

hundred and fifty societies, with a membership of about twelve thousand Christian young people, I wish to thank you for your earnest efforts to cleanse this great State from the evils of the saloon, and to offer you all the support and encouragement possible.

We earnestly hope that the bills which you and your colleagues have presented to the Senate will be passed and enacted into laws that will effectually drive the saloon from our University cities and towns, and also prevent the procuring of liquor in the local option sections.

With best wishes and prayers for your success in these measures, I am,

Yours sincerely,

CHARLES COTTY,
Secretary Texas C. E. Union.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, August 6, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Paulus.

Absent—Excused.

Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, Senator Kellie moved that further reading be dispensed with.

The motion was adopted by the following vote:

Yeas—15.

Adams.	Hudspeth.
Harper.	Hume.

Kauffman.	Senter.
Kellie.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	Willacy.
Real.	

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Paulus.

Absent—Excused.

Stokes.

There being no business under the regular order of business, the Chair declared the morning call concluded.

REFUSE TO RECEIVE COMMITTEE REPORT.

Senator Peeler here asked unanimous consent to present a committee report. Senator Cofer objected.

POINT OF ORDER.

Senator Alexander made the point of order that the Senate having met today and adjourned, thereby completing a legislative day, could not legally hold another session on the same calendar day, because there can not be two complete legislative days in one calendar day.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, August 6, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation requiring the erection and maintenance of buildings for the protection from rain, wind, and inclement weather, of employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and such fur-

ther legislation upon this subject as may be appropriate and is necessary to provide proper protection to employes engaged in such work.

2. Legislation requiring persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from "spiders," exposed ends of bands or any exposed or any obtruding part of the ties, bands, buckles or splices used in tying or baling such bale of cotton, and to provide penalties and methods of enforcement of the laws enacted on this subject.

3. Legislation making an appropriation for the repair, improvement and construction of a sewerage system and for general repairs for the North Texas Hospital for the Insane. An appropriation approximating \$5000 will be necessary for the repairs and improvements here mentioned, and as the present sewerage system is not only endangering the health of the inmates of the institution, but of the people of the city of Terrell, it is respectfully urged that action be taken at once.

An appropriation of \$1200 for overhauling and repairing the three boilers at the Deaf and Dumb Institute, and to put them in safe working condition, is also presented for your consideration. This work should begin at once, so that the boilers may be made safe prior to the opening of this Texas School for the Deaf and Dumb in September.

The General Appropriation Bill carried an item of \$1200 for clerk hire for the State Tax Commissioner, which item was vetoed, as it was believed that the Commissioner would only need the services of a clerk during the months of May and June, and that provision could be made therefor by a deficiency appropriation. The Commissioner employed a clerk for the months mentioned at \$100 per month, and as there is some doubt about the authority of the Governor to allow deficiencies in the absence of an appropriation naming the item to which such deficiency could be attached, it is here suggested to the Legislature that an appropriation of \$200 be made to pay for the services of the clerk employed for the months of May and June as above stated.

4. Legislation amending the election laws of the State of Texas as may be

deemed necessary by the Legislature and as may be necessary to conform to the amendment of Section 120 heretofore submitted by message to your Honorable Bodies.

5. Legislation reorganizing the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of the said Seventieth Judicial District, and declaring an emergency. The act creating the Seventieth Judicial District is Chapter 8, General Laws of the Thirty-first Legislature, page 10, which act was approved February 3, 1909, and became a law on the same day. The said district was at the time of creation composed of the counties of Midland, Ector, Gaines, Glasscock, Reeves and Ward, and the unorganized counties of Andrews, Winkler, Crane, Loving and Upton. Since the creation of the district the counties of Andrews, Winkler and Upton have been organized and the counties of Crane and Loving remain unorganized. The three counties organized now have no established and fixed terms or sessions for the district court in such counties, and it is of great public importance that terms of court for said counties should be provided by law at once.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

POINT OF ORDER.

Action recurred on the point of order by Senator Alexander, the Chair (Lieutenant Governor Davidson) asked time to consider the matter and to look up the authorities on same.

RECESS.

Senator Meachum moved, with the understanding that all members would be present, that the Senate recess until 3 o'clock p. m.

The motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

POINT OF ORDER.

Action recurred on the point of order by Senator Alexander, he having the floor.

Pending discussion, the Chair (Lieutenant Governor Davidson) overruled the point of order, holding that this was a new legislative day.

Senator Brachfield appealed from the ruling of the Chair.

President Pro Tem. Alexander was called to the chair.

Question—Shall the Chair be sustained?

The Senate sustained the ruling of the Chair by the following vote:

Yeas—15.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Paulus.

Absent—Excused.

Stokes.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 20, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication within ten miles of the State University of Texas, and all branches thereof, including the Agricultural and Mechanical College; except for medicinal, mechanical or sacramental purposes and fixing the penalty therefor, repealing all laws in conflict herewith, and declaring an emergency," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill: House bill No. 20, referred to Judiciary Committee No. 2.

SENATE BILL NO. 12.

The Chair laid before the Senate Senate bill No. 12, A bill to be entitled "An Act to prohibit the drinking of spirituous, vinous or malt liquors, and medicated bitters capable of producing intoxication on the premises where sold (in any locality of this State other than where local option is in force), and providing penalties therefor, and declaring an emergency."

There being a majority adverse and minority favorable committee report on the bill.

Senator Brachfield made the point of order that the committee report had not laid over for one day, contending that the committee report having been made on the 6th day of August, the bill could not be considered on this calendar day.

The Chair (Lieutenant Governor Davidson) stated that he would take the matter under advisement until Monday morning at 10 o'clock.

HOUSE BILL NO. 18.

Senator Senter moved that the pending order of business (Senate bill No. 12) be suspended, and the Senate take up, out of its order, House bill No. 18.

The motion was adopted by the following vote:

Yeas—29.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Paulus.

Absent—Excused.

Stokes.

On motion of Senator Senter, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—29.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Paulus.

Absent—Excused.

Stokes.

On motion of Senator Senter, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 18, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston bay, to connect as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate

not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act."

Bill read second time, and ordered engrossed.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Paulus.

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.
Paulus.
Stokes.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Bryan:

Senate bill No. 19, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

Read first time, and referred to Committee on Judicial Districts.

RECESS.

Senator Meachum moved that the Senate recess until Monday morning at 9 o'clock.

Senator Terrell of Bowie moved, as a substitute, that the Senate adjourn until Monday morning at 10:30 o'clock.

Action being on the longest time first, the motion to adjourn was lost by the following vote:

Yeas—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Nays—15.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Paulus.
Stokes.

Absent—Excused.

The motion to recess was then adopted by the following vote:

Yeas—15.

Adams.	Hudspeth.
Harper.	Hume.

Kauffman.	Senter.
Kellie.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	Willacy.
Real.	

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Paulus.
Stokes.

Absent—Excused.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 8, "An Act authorizing the Treasurer of the State of Texas, upon warrant drawn by the Comptroller, to pay off and discharge bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the date of the passage and taking effect of this act, and authorizing the Comptroller of Public Accounts to cancel said bonds and now held by any individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency."

Senate bill No. 10, "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College' all money collected under the Pure Feed Inspection Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same."

AFTER RECESS.

The hour having arrived for the Senate to convene, and in the absence of the President and the President Pro

Tem., the Senate was called to order by the Secretary of the Senate, Clyde D. Smith.

ADJOURNMENT.

Senator Greer moved that the Senate adjourn until 9 o'clock Thursday morning.

The motion was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, August 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 18, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston bay, to connect as part of the roadways of the county of the island and mainland and the county to issue bonds for same on taxation, also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b authorizing the commissioners court of said county to issue for the purpose mentioned in said act bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to ex-

ceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds, and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Terrell of Bowie, Holsey, Real, Sturgeon, Peeler, Alexander, Willacy, Cofer, Hume, Kauffman.

(Floor Report.)

Austin, Texas, August 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred House Concurrent Resolution No. 3, have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Cofer, Hume, Perkins, Ward, Sturgeon, Bryan, Alexander.

Committee Room,
Austin, Texas, August 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled 'An Act authorizing any county in the State of Texas, having a population in excess of fifty thousand inhabitants, by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency,' by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the right to use streets, alleys, public highways and pub-

lie grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Terrell of Bowie, Holsey, Real, Sturgeon, Peeler, Alexander, Willacy, Cofer, Hume, Kauffman.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, August 11, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	Stokes.

Prayer by the Chaplain, Rev. H. M. Searg.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins, the same was dispensed with.

(See Appendix for petitions and memorials and committee reports.)

SIMPLE RESOLUTION.

Senator Peeler here offered a resolution anent the death of Walter F. Colquitt, son of Hon. O. B. Colquitt. The resolution was unanimously adopted by a rising vote. (See memorial page of today's Journal for resolution.)

POINT OF ORDER WITHDRAWN.

Here Senator Brachfield asked to withdraw the point of order, made by him on Saturday, August 6, relative to a committee report having to lay over for one day.

Permission was given to withdraw the point of order.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Watson:

House Concurrent Resolution No. 4, designating Monday, August 15, 1910, at noon, for the Third Called Session of the Thirty-first Legislature to adjourn sine die.

The resolution was read first time, and referred to Committee on State Affairs.

By Senator Terrell of Bowie:

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency."

Read first time, and referred to Finance Committee.

Morning call concluded.

SENATE BILL NO. 3.

The Chair laid before the Senate, on second reading and special order for this hour,

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies prescribing conditions for transacting business, and declaring an emergency."

There being a favorable majority committee report and an adverse minority committee report, recommending a favorable substitute bill.

Senator Hudspeth moved to adopt the majority committee report.

Senator Alexander moved, as a substitute, the adoption of the minority committee report.

Pending discussion on the bill, Senator Murray moved that further consideration of the bill be postponed for today and made a special order for tomorrow morning at the conclusion of the morning call.

The motion prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed House Concurrent Resolution No.
5, Requesting the return by the Gover-
nor of House bill No. 5 for correction.

Respectfully.

O. P. BASFORD.

Acting Chief Clerk, House of Represent-
atives.

RESOLUTION REFERRED.

The Chair (Lieutenant Governor Da-
vidson) had referred, after its caption
had been read the following resolution:

House Concurrent Resolution No. 5,
referred to Judiciary Committee No. 2.

SENATE BILL NO. 11.

The Chair laid before the Senate, on
second reading and regular order,

Senate bill No. 11, A bill to be entitled
"An Act to amend Chapter 16 of the
Acts of the Regular Session of the Thirty-
first Legislature of the State of Texas,
approved February 20, 1909, entitled
'An Act authorizing any county in the
State of Texas, having a population in
excess of fifty thousand inhabitants, by
the last preceding United States census,
to submit to the qualified voters the
propriety of a bond issue for the con-
struction and maintenance of causeways,
viaducts, bridges and approaches across
any rivers within the limits of such
county, and to provide for the construc-
tion, maintenance and use of such cause-
ways, viaducts, bridges and approaches,
and declaring an emergency,' by adding
thereto Sections 9a and 9b, providing
a method by which counties may ac-
quire land upon which to construct and
maintain said causeways, viaducts,
bridges and approaches, by condemna-
tion and by grant from cities and coun-
ties of the right to use streets, alleys,
public highways and public grounds, and
to authorize counties to construct said
causeways, viaducts, bridges and ap-
proaches across the lines of railway,
telegraph and telephone corporations,
and the method thereof, and declaring
an emergency."

On motion of Senator Senter, the com-
mittee report, which provided that the
bill be not printed, was adopted.

Bill read second time, and ordered en-
grossed.

On motion of Senator Senter, the con-
stitutional rule requiring bills to be read
on three several days was suspended and
the bill put on its third reading and
final passage by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

Senator Senter offered the following
amendment:

Amend the bill, Section 9a, page 2,
lines 23 and 24, by adding after the
words "and the county commissioners
court of any county" the following
words: "With the consent of any city,
given by its duly authorized municipal
authorities."

The amendment was adopted by the
following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hume.	Mayfield.
Kellie.	Terrell of McLennan.

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.	Terrell of McLennan.
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Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE CONCURRENT RESOLUTION NO. 3.

The Chair laid before the Senate

House Concurrent Resolution No. 3, Requesting our Representatives in Congress and our United States Senators to use their influence to secure the holding of an exposition in the city of New Orleans to commemorate the completion of the Panama Canal.

On motion of Senator Peeler, the committee report, which provided that the bill be not printed, was adopted.

The resolution was read, and adopted.

SENATE BILL NO. 7—FREE CONFERENCE COMMITTEE ON.

Senator Ward called up

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1900, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency," with the following House amendments:

Amend bill by adding Section 2a, as follows:

"Sec. 2a. There shall be appropriated and set aside in the State Treasury, at each biennial session of the Legislature, an amount equal to 2 per cent per annum of the aforesaid bonds, for the purpose of creating a sinking fund with which said bonds shall be redeemed."

Amend by making interest rate "4½ per cent."

Senator Ward moved that the Senate concur in the House amendments.

Senator Brachfield moved, as a substitute, that the Senate do not concur in the House amendments, and request the appointment of a Free Conference Committee.

The substitute motion was adopted.

FREE CONFERENCE COMMITTEE.

The Chair (Lieutenant Governor Davidson) announced the following as the Free Conference Committee on Senate bill No. 7, in accordance with the above motion:

Senators Ward, Brachfield, Weinert, Murray and Senter.

HOUSE CONCURRENT RESOLUTION NO. 5—PASSAGE OF.

The Chairman of Judiciary Committee No. 2 having reported House Concurrent Resolution No. 5 out of the committee,

Senator Harper moved that Senate rule requiring bills to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion prevailed by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

On motion of Senator Harper, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, House Concurrent Resolution No. 5, a resolution requesting the Governor to return House bill No. 5 to the House for correction.

The resolution was adopted.

Senator Harper moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 19.

The Committee on Judicial Districts having reported Senate bill No. 19 out of the committee today,

Senator Bryan moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion prevailed by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

On motion of Senator Bryan, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 19, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hume.	Mayfield.
Kellie.	

Absent—Excused.

Stokes.

Terrell of McLennan.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILL SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did

sign in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 18, "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston bay, to connect as part of the roadways of the county on the island and mainland, and the county to issue bonds for same on taxation; also establishing three-mile limit, and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act."

SENATE BILL NO. 9.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bill of lading and their essential terms; fixing the obliga-

tions and rights of carriers under their bill of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected to the issuance and handling of bills of lading; fixing penalties and punishment for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

(Senator Terrell of Bowie in the chair.)

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 11:50 o'clock a. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Paulus:

To the Hon. D. A. Paulus, Austin, Texas:

We, the undersigned citizens of Shiner, Lavaca county, Texas, being apprised of the fact that our fire insurance rates have been raised from 100 to 400 per cent, as the result of the operation of the Fire Insurance law as passed by the Thirty-first Legislature, and feeling that the rates as they now stand are excessive and unjust, do humbly petition you to use your influence and vote to have the present law repealed, and to enact a law that will operate to produce rates which will not be prohibitive. We further petition you to use your influence and vote to eliminate the co-insurance clause from all risks except cotton, grain, cotton seed products and such other risks to which it applied before the enactment of the present law.

Numerously signed.

By Senator Sturgeon:

Dodd City, Texas, Aug. 9, 1910.

Hon. B. B. Sturgeon, Austin, Texas:

We, the undersigned citizens of your district, are watching with interest the prohibition legislation now pending before the Texas Legislature, and feel especial concern relative to the ten-mile law, prohibiting the sale of liquor where our State schools are located. We commend your attitude, and trust the bill may become a law.

Numerously signed.

By Senator Adams:

Brownwood, Texas, August 8, 1910.

Hon. W. N. Adams, Senator Twenty-sixth District, Austin, Texas.

Dear Senator: At the instance of the signers of the enclosed petitions we hand you the same and urge that you give them due consideration.

It is but fair to say that only a few hours have been given to circulating these petitions, but you can see from the signatures that your constituency is well represented therein.

Other petitions from this county will follow within a short time.

We can conservatively state that two-thirds of the voters of this county favor the passage of the "quart law" bill.

Yours very truly,

J. H. GROVE,

JNO. W. GOODWIN,

TOM LEACH,

Committee.

Brownwood, Texas, August 5, 1910.

To Hon. W. N. Adams, Senator Twenty-sixth Senatorial District of Texas:

We, the undersigned citizens of Brown county, Texas, believing that Brown county and the Twenty-sixth Senatorial District is opposed to the saloon and desire that it be abolished, respectfully request that you vote for and support the bill now pending before the Legislature, known as the "quart law."

Numerously signed.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,

Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred,

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State, to au-

thorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board, providing any appropriation for the payment of the expenses of such clerical force and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules of rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am directed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

(1)

Amend the bill by inserting the word "ten" between the word "within" and the word "days" in line 7 of Section 2.

(2)

Amend the bill by striking out of Section 14 and renumbering the following section.

(3)

Amend the bill by striking out Section 7 and renumbering the remaining sections accordingly.

(4)

Amend the bill by striking out all of Section 15, after the words "so declare" in line 9 of the section.

(5)

Amend the bill by striking out all of Section 13 and inserting in lieu thereof the following:

"That this act shall not apply to mutual fire insurance companies incorporated under the laws of this State nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

"Provided, that no person, persons,

firm or association of persons representing any mutual fire insurance company doing business on a joint liability plan shall be permitted to solicit, write or transact a fire insurance business in any city, town or county, except those places that are situated in the county in which it maintains its home office, and in which the said company is organized, except where the home office of said company has filed with the department of insurance a bond with two or more good and sufficient sureties in the sum of \$10,000 payable to the Governor and his successors in office and approved by the Commissioner of Insurance, conditioned that they will pay back to the holders of their policy the unearned premiums and hold such holders or owners of said policy free from further liability on said policy."

(6)

Amend the caption by adding thereto the following:

"And to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor and providing a penalty."
HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, August 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of four Committee on Insurance, Statistics and History, to whom was referred,

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State, to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board, providing an appropriation for the payment of

the expenses of such clerical force and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules of rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violations of said act, or the orders of said board; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass.

TERRELL of McLennan.

(Floor Report.)

Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred,

Senate bill No. 19, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time for holding court in each of the counties of the said Seventieth Judicial District, and to declare an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Kauffman, Terrell of Bowie, Peeler, Ward, Paulus, Harper, Sturgeon, Perkins, Willacy, Veale.

(Floor Report.)

Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred House Concurrent Resolution No. 5, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Greer, Sturgeon, Murray, Watson, Alexander, Hudspeth, Senter.

In Memory

of

Master Walter F. Colquitt.

Whereas, Walter F. Colquitt, son of Hon. O. B. Colquitt, who was formerly a distinguished member of this Senate and now the Democratic nominee for Governor of Texas, departed this life in the city of Austin last Sunday evening, 7th inst.; therefore, be it

Resolved by the Senate, That the death of this bright young boy is deeply regretted; that his father, mother, brothers and sister have been deprived of one of the sweetest characters we ever knew, and we hereby tender to them our profound sympathy and condolence in their sad bereavement.

That a page of the Senate Journal be set apart for this resolution and an engrossed copy thereof be conveyed by the Secretary of the Senate to the Hon. O. B. Colquitt and family.

A. B. DAVIDSON,
Lieutenant Governor.
Q. U. WATSON,
P. B. WARD,
C. B. HUDSPETH,
T. W. PERKINS,
D. M. ALEXANDER,
J. G. WILLACY,
J. M. TERRELL,
J. REAL,
W. N. ADAMS,
W. J. BRYAN,
R. E. COFER,
W. J. GREER,
W. R. HOLSEY,
F. C. HUME, JR.,
J. E. KAUFFMAN,

J. L. PEELER,
E. I. KELLIE,
E. B. MAYFIELD,
M. MEACHUM,
W. O. MURRAY,
C. C. STOKES,
B. B. STURGEON,
H. B. TERRELL,
C. L. BRACHFIELD,
C. V. TERRELL,
J. L. RATLIFF,
A. J. HARPER,
E. G. SENTER,
D. A. PAULUS,
J. W. VEALE,
F. C. WEINERT.

The resolution was read and unanimously adopted by a rising vote.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, August 12, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Reul.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Sturgeon, the same was dispensed with. (See Appendix for petitions, memorials and committee reports.)

SIMPLE RESOLUTION.

Senator Cofer offered a resolution anent the death of Senator C. C. Stokes, signed by all the members of the Senate, and upon motion of Senator Holsey the resolution was unanimously adopted by a rising vote. (See memorial page for resolution.)

After the adoption of the resolution, Senator Sturgeon moved that next Monday at 2 o'clock be designated as a time for the members to pay tribute to the memory of Senator Stokes.

The motion was adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, House bill No. 20, prohibiting the sale, etc., of intoxicating liquors within ten miles of the State University and other institutions, passed the House of Representatives by almost a two-thirds vote and was read in the

Senate and referred to the Judiciary Committee No. 2; and

Whereas, Said Judiciary Committee No. 2 has refused to consider said House bill but has postponed consideration of same until 12 o'clock a. m., August 18, 1910, a time beyond adjournment of the present session of the Legislature; and Whereas, Such action of said committee is tantamount to a refusal to permit the Senate to act upon said House bill; and

Whereas, It is nothing but fair and just to the other branch of the Legislature to have its bill on so important a subject reported out to the Senate for our respectful consideration and hearing and a bill should not be smothered to death in committee; therefore, be it

Resolved by the Senate, That Judiciary Committee No. 2 be directed to forthwith report said House bill to the Senate by 12 o'clock m., August 12, 1910.

COFER,
TERRELL of Wise,
RATLIFF,
STURGEON,
HOLSEY,
GREER,
TERRELL of Bowie,
BRACHFIELD,
BRYAN,
ALEXANDER,
VEALE,
WARD,
MAYFIELD,
PERKINS.

The resolution was read, and

Senator Sturgeon moved that the discussion of same be postponed until 11 o'clock today.

Senator Meachum moved, as a substitute, that the resolution be tabled.

Action recurred on the substitute motion first.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 11, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Legislation providing for the incorporation of the city of San Antonio,

Bexar county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities, and to provide for the approval of said charter by the qualified electors of said city, and to declare an emergency, and to repeal all acts in conflict therewith.

2. The enactment of a law to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and to enact a law authorizing and empowering Lamar county or any political subdivision of said county by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county, or political subdivision thereof, voting thereon, to issue bonds, and to levy and collect taxes, to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and such other legislation in respect thereto as may be deemed appropriate.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

By Senator Sturgeon:

Senate bill No. 21, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 12, 1910.

To the Senate:

The advice and consent of the Senate is respectfully requested to the following appointment:

E. A. Berry of Madison county, district attorney of the Twelfth Judicial District of Texas, effective August 15, 1910, vice Gordon Boone, resigned, effective August 15, 1910.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 30, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

House bill No. 29, A bill to be entitled "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency.'"

The House grants request of Senate for Free Conference Committee on Senate bill No. 7 and appoints the following on the part of the House: Messrs. Gilmore, Cox, Stratton, Rayburn. Min-ton.

The House refuses to concur in Senate amendments to House bill No. 5 and requests the appointment of a free conference committee. The following committee has been appointed on the part of the House: Messrs. Bowles, Gilmore, Terrell of Cherokee, Hamilton of Childress, Terrell of Bexar.

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 30, referred to Committee on Judicial Districts.

House bill No. 29, referred to Committee on Towns and City Corporations.

SIMPLE RESOLUTION.

Action recurred upon the simple resolution by Senator Cofer, the question being on the substitute motion by Senator Meachum to table same.

HOUSE BILL NO. 5—FREE CONFERENCE COMMITTEE ON.

Senator Ward here moved that the Senate grant the request of the House for a Free Conference Committee on House bill No. 5. The motion was adopted, and the Chair (Lieutenant Governor Davidson) appointed the following as the Free Conference Committee: Senators Ward, Cofer, Alexander, Perkins and Harper.

(Senator Peeler in the chair.)

SIMPLE RESOLUTION.

Action recurred on the simple resolution by Senator Cofer et al., the question being on the substitute motion by Senator Meachum to table the resolution.

Pending prolonged discussion, Senator Meachum moved that further debate on the resolution be limited to three minutes to each side, and on that motion,

Senator Watson moved the previous question, which was duly seconded.

Senator Terrell of Bowie made the point of order that rules of the Senate do not provide a limit of time for any member to speak.

Pending discussion on the point of order, Senator Meachum made a further point of order that Senator Terrell of Bowie was not discussing the point of order; also that the previous question had been moved and seconded.

The Chair (Senator Peeler) held that Senator Terrell of Bowie would have to speak to the point of order; and that unless some authority could be shown that a time limit could not be made for a member to speak, the point of order would be overruled.

Pending further discussion, the Chair (Senator Peeler) overruled the point of order.

Senator Terrell of Bowie appealed from the ruling of the Chair.

Senator Hudspeth was called to the chair.

Question—Shall the Chair be sustained?

The Senate sustained the Chair by the following vote:

Yeas—15.

Adams.	Paulus.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—13.

Alexander.	Ratliff.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.
Perkins.	

Present—Not Voting.

Peeler.

Absent.

Greer.

Senator Alexander, being recognized, began stating a point of order, citing Rule 21 of the Rules of the Senate.

Senator Hudspeth, who was then presiding, stated that he would overrule the point of order.

Senator Holsey appealed from the ruling of the Chair, but later withdrew same.

Lieutenant Governor Davidson then took the chair.

Senator Alexander then stated his point of order that the motion made by Senator Meachum was out of order because Rule 21 provided that when a question is under consideration by the Senate that no motion shall be made except such as set out in Rule 21 of the Senate Rules.

Senator Meachum made a point of order to the point of order that the Senate had already held that the motion was in order; an appeal had been taken from the ruling of the Chair; the Chair sustained; that, therefore, the further point of order made by Senator Alexander is out of order at this time.

The Chair (Lieutenant Governor Davidson, who was presiding) stated that

he would not reverse the ruling of Senator Hudspeth, who had overruled the point of order, and if the Senate desired to do so, it could appeal from the ruling of the Chair.

There being no desire to appeal from the ruling of the Chair, action recurred on the previous question, which had been moved and seconded.

Senator Brachfield made a point of order, citing Rule 38, page 9, which requires motions to be made in writing when called for by any Senator, and called for the motion by Senator Meachum to be in writing.

The Chair (Lieutenant Governor Davidson) at first sustained the point of order, but after consideration reversed his ruling and overruled same.

Action recurred on the motion to order the previous question on Senator Meachum's motion.

The previous question was ordered by the following vote:

Yeas—17.

Adams.	Paulus.
Greer.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—13.

Alexander.	Ratliff.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.
Perkins.	

Action then recurred on the motion by Senator Meachum that the time of debate be limited to three minutes to each side.

The motion was adopted by the following vote:

Yeas—17.

Adams.	Paulus.
Greer.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—13.

Alexander.	Brachfield.
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Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Mayfield.	Veale.
Perkins.	Ward.
Ratliff.	

Senator Terrell of Bowie spoke for three minutes, whereupon Senator Hudspeth moved that his time be extended for 59 minutes.

The motion was adopted.

Action recurred on the substitute motion by Senator Meachum to table the resolution.

The motion to table prevailed by the following vote:

Yeas—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Senator Meachum moved to reconsider the vote by which the resolution was tabled, and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

COMMITTEE TO ATTEND FUNERAL.

In accordance with the resolution adopted this morning anent the death of Senator Stokes, the Chair appointed the following committee to attend the funeral of Senator Stokes: Senators Perkins, Adams, Ratliff and Kellie.

SENATE BILL NO. 3.

The Chair laid before the Senate, on second reading and special order,

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

There being a favorable majority committee report, and an adverse minority committee report, recommending a substitute bill,

Senator Hudspeth moved to adopt the majority committee report.

Senator Alexander moved, as a substitute, the adoption of the minority committee report.

Action being on the substitute motion first,

Senator Meachum moved the previous question on the substitute motion, which motion being duly seconded, was so ordered by the following vote:

Yeas—19.

Adams.	Peeler.
Brachfield.	Ratliff.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Veale.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—11.

Alexander.	Perkins.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Before the above vote had been announced, Senator Sturgeon made a point of order that the "Constitution provided that each bill before the Senate shall have free discussion," etc., and that such was not the case with this bill.

The Chair overruled the point of order.

The Chair announced the vote, that the previous question had been ordered. Action then recurred on the substitute motion to adopt the minority committee report.

The substitute motion was lost by the following vote:

Yeas—12.

Alexander.	Perkins.
Brachfield.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Nays—18.

Adams.	Paulus.
Bryan.	Peeler.
Harper.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

The motion to adopt the majority committee report was then adopted.

Action recurred on the engrossment of the bill, and

Senator Meachum moved the previous question on same. The previous question being duly seconded was so ordered.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—30.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—3.

Cofer.	Ward.
Greer.	

The bill was read third time, and passed by the following vote:

Yeas—30.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 9.

The Chair laid before the Senate, on second reading and as pending business,

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bill of lading and their essential terms; fixing the obligations and rights of carriers under their bill of lading; providing for the negoti-

ation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected to the issuance and handling of bills of lading; fixing penalties and punishment for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

On motion of Senator Meachum, this bill was made a special order for tomorrow morning at 9 o'clock.

SENATE BILL NO. 21.

Senator Sturgeon moved that the pending order of business (Senate bill No. 12) be suspended, and the Senate take up, out of its order, Senate bill No. 21.

The motion prevailed by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Paulus.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Weinert.
Mayfield.	Willacy.

Absent.

Meachum. Ward.
Paulus. Watson.

Senator Sturgeon moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion prevailed by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Cofer. Paulus.
Meachum. Watson.

On motion of Senator Sturgeon, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 21, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Cofer. Paulus.
Meachum. Watson.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Cofer. Paulus.
Meachum. Watson.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 30.

Senator Bryan moved that the regular order of business (Senate bill No. 12) be suspended, and the Senate take up, out of its order, House bill No. 30.

The motion prevailed by the following vote:

Yeas—28.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Hume.
Kauffman.
Kellie.
Mayfield.
Meachum.
Murray.
Peeler.

Perkins.
Ratliff.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Veale.
Ward.
Weinert.
Willacy.

Absent.

Paulus.

Watson.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—30.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Hume.
Kauffman.
Kellie.
Mayfield.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Ratliff.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

On motion of Senator Bryan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—29.

Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Hume.
Kauffman.
Kellie.
Mayfield.
Meachum.
Murray.
Paulus.

Peeler.
Perkins.
Ratliff.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Adams.

On motion of Senator Bryan, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 30, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Hume.
Kauffman.
Kellie.
Mayfield.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Ratliff.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Hume.
Kauffman.
Kellie.
Mayfield.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Ratliff.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Terrell of McLennan.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 12.

The Chair laid before the Senate, on second reading,

Senate bill No. 12, A bill to be entitled "An Act to prohibit the drinking of spirituous, vinous or malt liquors, and medicated bitters capable of producing intoxication on the premises where sold in any locality of this State, other than where local option is in force, and providing penalties therefor, and declaring an emergency."

There being an adverse majority committee report and a favorable minority report, the question recurred on the committee report.

Senator Meachum moved to adopt the majority committee report, which was unfavorable, and

Senator Alexander moved to adopt the minority committee report.

REFUSE TO RECESS.

Senator Sturgeon here moved that the Senate recess until 8 o'clock this evening.

The motion was lost by the following vote:

Yeas—13.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	

Nays—17.

Adams.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Senator Mayfield, at 3:50 o'clock, moved that the Senate recess from 4:15 o'clock today until 8 o'clock tonight.

The motion was lost by the following vote:

Yeas—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Nays—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

(Senator Veale in the chair.)

SENATE BILL NO. 12.

Action recurred on Senate bill No. 12, the question being on the substitute motion to adopt the minority committee report.

Senator Terrell of Bowie made the point of order that the committee report provided that the bill be not passed and be printed in the Journal, and could not be considered until that matter was acted upon.

The Chair (Senator Veale) overruled the point of order.

Senator Hume moved the previous question on the pending motion, which being duly seconded, was so ordered.

The motion to adopt the minority committee report in lieu of the majority committee report was lost by the following vote:

Yeas—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Nays—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Action recurred on the motion to adopt the majority committee report, and Senator Meachum moved the previous question on same, which, being duly seconded, was so ordered by the following vote:

Yeas—16.

Adams.	Hudspeth.
Harper.	Hume.

Kauffman.	Real.
Kellie.	Senter.
Meachum.	Terrell of McLennan.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

(Lieutenant Governor Davidson in the chair.)

The majority committee report was then adopted by the following vote:

Yeas—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—14.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Senator Meachum moved to reconsider the vote by which the majority committee report was adopted, and lay that motion on the table.

RECESS.

Senator Meachum moved that the Senate recess until 8 o'clock tonight, and that the members of the Senate, officers and employes go in a body to the International & Great Northern depot, there to meet the remains of Senator Stokes.

The motion prevailed by the following vote:

Yeas—30.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Hume.

Kauffman.	Senter.
Kellie.	Sturgeon.
Mayfield.	Terrell of Bowie.
Meachum.	Terrell of McLennan.
Murray.	Terrell of Wise.
Paulus.	Veale.
Peeler.	Ward.
Perkins.	Watson.
Ratliff.	Weinert.
Real.	Willacy.

RESOLUTION SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, the following resolution:

House Concurrent Resolution No. 3. Requesting our Representatives in Congress and our United States Senators to use their influence to secure the holding of an exposition in the city of New Orleans to commemorate the completion of the Panama Canal.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson, when fitting funeral services were held over the remains of Senator Stokes, the body having been brought to the Senate Chamber immediately upon the arrival from San Antonio at 4:30 o'clock today.

Seated on the President's rostrum were Governor Campbell, Lieutenant Governor Davidson, Speaker Marshall, Rev. H. M. Sears, Chaplain of the Senate; Rev. W. J. Joyce, Chaplain of the House, and Rev. Dr. E. B. Wright, Pastor Emeritus of the First Presbyterian Church of Austin.

Prayer was first offered by Rev. Mr. Joyce and Dr. Wright then read the funeral service and offered prayer. A quartet from the choirs of local churches sang a hymn and Rev. Dr. Wright and Rev. Sears pronounced simple and heartfelt eulogies to the manly and Christian qualities of the lamented Senator. For his colleagues, Senators Hume, Meachum, Alexander, Mayfield and Brachfield feelingly voiced tributes of the highest legislative body of the State to their departed friend's splendid attributes as a worthy and honored representative of his constituents. And each mentioned the high order of his ability in dealing with legislative problems in the Senate.

Governor Campbell, speaking in behalf of the people of the late Senator's

district, in which the Governor has residence, his home county of Anderson having been represented by the deceased, uttered sentiments of his sincere appreciation for the testimonials of grief and respect paid the memory of Senator Stokes.

Chaplain Sears closed the services with benediction.

RECESS.

At the conclusion of the services, the Senate recessed until 9 o'clock tomorrow morning, August 13.

AFTER RECESS.

The Senate was called to order pursuant to the time a recess was had.

SENATE BILL NO. 13.

The Chair laid before the Senate, as regular order,

Senate bill No. 13, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication (in any locality of this State other than where local option is in force) in quantities of less than one quart, and prescribing penalties for violations thereof, and declaring an emergency."

There being an adverse majority committee report and a favorable minority report,

Senator Meachum moved to adopt the majority committee report, and

Senator Alexander moved, as a substitute, to adopt the minority committee report.

Action recurred on the substitute motion first, and the same was lost by the following vote:

Yeas—11.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Holsey.	

Nays—12.

Harper.	Meachum.
Hudspeth.	Murray.
Hume.	Paulus.
Kauffman.	Peeler.

Real.	Watson.
Senter.	Weinert.

Absent.

Terrell of McLennan. Willacy.
Ward.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Senators Perkins, Adams, Kellie and Ratliff are here recorded as absent—excused on all roll calls today on account of being upon attendance of the funeral of Senator Stokes under resolution of the Senate.

The majority committee report was then adopted by the following vote:

Yeas—13.

Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—11.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Holsey.	

Absent.

Ward.	Willacy.
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Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Senator Meachum moved to reconsider the vote by which the committee report was adopted, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 14.

The Chair laid before the Senate, on second reading,

Senate bill No. 14, A bill to be entitled "An Act to amend Section 14, of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the

sale and disposition of spirituous, vinous and malt liquors or medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold; and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a, and 35a, prescribing method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this act, and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any

existing license, and declaring an emergency," by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is enforced to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

The bill was read, and on motion of Senator Brachfield the bill was laid on the table subject to call.

SENATE BILL NO. 15.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 15, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication within ten miles of the State University of Texas, and all branches thereof, including the Agricultural and Mechanical College; except for medicinal, mechanical or sacramental purposes, and fixing the penalty therefor, repealing all laws in conflict herewith, and declaring an emergency."

There being an adverse majority committee report and a favorable minority committee report,

Senator Sturgeon moved to substitute the minority committee report for the majority committee report.

The motion was lost by the following vote:

Yeas—10.

Alexander.	Sturgeon.
Brachfield.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Mayfield.	Ward.

Nays—15.

Harper.	Meachum.
Holsey.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.
Kauffman.	Real.

Senter. Weinert.
Terrell of McLennan. Willacy.
Watson.

Absent.

Bryan.

Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

Senator Meachum moved to adopt the majority committee report, which motion prevailed by the following vote:

Yeas—15.

Harper.	Peeler.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—10.

Alexander.	Sturgeon.
Brachfield.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Mayfield.	Ward.

Absent.

Bryan.

Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

Senator Meachum moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

I vote "yea" for the adoption of the majority of the committee report on Senate bill No. 15, being adverse to the passage of such bill which prohibits the sale of intoxicating liquors within ten miles of any State institution of learning.

1. I contend that the bill is violative of Article 16, Section 20, of the State Constitution.

2. I am also against the bill because the people are not demanding its passage.

3. In an article published in the Texas Christian Advocate of July 21, 1910, over the signature of Dr. James Campbell, a Methodist minister well

known in Texas, wherein he advocated the removal of the Southwestern University, one of the greatest educational institutions in the South, from Georgetown, a local option town, to Dallas, a city having about four hundred saloons, the following argument, among other things, was advanced by Dr. Campbell:

"But, after all, the question of temptation is not one of the city, or of the town, nor even of the country—it is a question of human nature. 'It must needs be that offenses come' and come they will whether in the city, the village of the wilderness. Holy Writ teaches that none are tempted beyond their powers. 'There hath no temptation taken you but such as man can bear; but God is faithful, who will not suffer you to be tempted above that ye are able; but will with the temptation make also the way of escape, that ye may be able to endure it.' 1 Cor. 10-13.

"The common humanity the world over is subject to the common temptations which befall men everywhere. 'All that is in the world is the lust of the flesh, the lust of the eye and the pride of life.' Another inspired writer says: 'Count it all joy, my brethren, when ye fall into manifold temptations, knowing that the proving of your faith worketh patience.' (Jas. 1:2-3.) 'Blessed is the man that endureth temptation; for when he hath been approved he shall receive the crown of life which the Lord promised to them that love him.' Temptation is common to all men, not because all men are surrounded by the same conditions externally, but because all men have the same temptable nature. Temptation is necessary to development. It is the friction which visits righteousness, and at the same time is necessary to it. 'Friction resists the progress of the locomotive, but you do not oil the rails to increase the speed.' You can't get rid of the devil by fleeing from him in the city to the village, nor from the village to the wilderness. Flee not from him to any place of refuge, for when you get there you will find him waiting for you. 'Resist the devil and he will flee from you.' Keep him on the run. Resist him in the city and he will flee to the village. Resist him in the village and he will flee to the wilderness. Resist him in the wilderness and drive him into the sea. Remember the adversary is not partial to great crowds. He takes men individ-

ually, in the secret recesses of their own hearts. In the beginning he did not attack Adam and Eve both at once, but he took the woman single-handed and alone. The two together might have been more than a match for him. Again the greatest battle ever fought between man and the devil was in the wilderness near Jerusalem. Satan was afraid to attack the Son of Man in the city full, but single-handed and alone he met his conqueror that time in the country. Yet the tempter knew that he would have a better advantage to win in the country where his antagonist would not have the support of the sympathetic atmosphere of the people in the great city.

In the city the moral and better classes are more separate and distinct in their associations than in smaller towns where the good and the bad mix and mingle more readily. The city has its slums, it is true, but there lies between them and the better classes a great gulf. Neither are the slums fed from the better districts of the city, but from their natural increase among themselves, and from foreign immigration of the same class, and from the Noah Claypoles who drift in from the country. All this talk about the superior advantages of a small town over the city for a college because of fewer temptations and a better moral atmosphere is mere 'rot,' and 'tommy-rot' at that."

J. L. PEELER.

SENATE BILL NO. 16.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 16, A bill to be entitled "An Act to amend Section 120 of the election law as passed by the Thirtieth Legislature, entitled 'An Act to amend Section No. 114 and add Section 114a, which prescribes for a uniform test, and act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and provide penalties for its violation and to repeal the act of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903'; and also to amend Section 120 of said Acts as amended by the Second Called Session of the said Twenty-ninth Legislature; also to amend Section 141 of said act passed at the First Called Ses-

sion of the Twenty-ninth Legislature, also to amend Section 106 of said act passed by the First Called Session of the Twenty-ninth Legislature, and declaring an emergency."

There being an adverse majority committee report and a favorable minority committee report,

Senator Cofer moved to substitute the minority committee report for the majority committee report.

Senator Meachum moved the previous question on the motion, which being duly seconded and was ordered by the following vote:

Yeas—14.

Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—11.

Alexander.	Sturgeon.
Brachfield.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Holsey.	Ward.
Mayfield.	

Absent.

Bryan.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Action recurred on the motion to adopt the minority committee report, and the same was lost by the following vote:

Yeas—12.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Holsey.	Ward.

Nays—14.

Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

On motion of Senator Meachum, the majority committee report was adopted by the following vote:

Yeas—14.

Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—12.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofe.	Terrell of Wise.
Greer.	Veale.
Holsey.	Ward.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Senator Meachum moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 17.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

On motion of Senator Meachum, this bill was laid on the table, subject to call.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 40, A bill to be entitled "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter, to provide for a commission form of government, to define its powers and to prescribe its duties and liabilities, to provide for the approval of said charter by the qualified electors of said city, and to declare an emergency, and to repeal all acts in conflict herewith."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 19, A bill to be entitled "An Act to amend Article 411ppp and 411qqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas, and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transaction of intoxicating liquors into any county, justice precinct, school district, city or town or subdivision of a county within this State where the sale of intoxicating liquors has been prohibited under the laws of this State; prescribing that a book shall be kept in which shall be entered the transactions pertaining to the receipt, shipment and transportation and delivery of such intoxicating liquors, and fixing penalties for the violations of this act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) referred, after their captions had been read, the following House bills. (See two former House Messages for caption.)

House bill No. 40, referred to Committee on Towns and City Corporations.

House bill No. 19, referred to Judiciary Committee No. 2.

SENATE BILL NO. 18.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 18, A bill to be entitled "An Act to amend Chapter 17 of the Acts of the Thirty-first Legislature, page 293, approved April 17, 1909, and amending Section 9, page 296, to said act so as to require the applicants for a retail liquor dealer's license or malt liquor dealer's license to make application on oath to Comptroller of Public Accounts of said State, embracing in said application and statement that the applicant or applicants have not contributed any money or other valuable thing, directly or indirectly, to any campaign fund in any election; and to amend Section 15, page 304, of said Acts, so as to prescribe the conditions of the bond to be given in order to sell spirituous, vinous or malt liquors or medicated bitters, prescribing conditions of said bond and declaring an emergency."

There being an adverse majority committee report and a favorable minority committee report,

Senator Cofer moved to substitute the minority committee report for the majority committee report.

(Senator Murray in the chair.)

Pending discussion, Senator Meachum moved the previous question on the motion; the motion being duly seconded, was so ordered.

The motion to adopt the minority committee report was lost by the following vote:

Yeas—12.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Holsey.	Ward.

Nays—14.

Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

On motion of Senator Watson, the majority committee report, which was ad-

verse, was adopted by the following vote:

Yeas—14.

Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—12.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Holsey.	Ward.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Senator Watson moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Davidson in the chair.)

EXECUTIVE SESSION.

Senator Meachum moved that the Senate go into Executive Session tomorrow at 2:30 o'clock for the purpose of considering the appointments sent to the Senate by the Governor.

The motion was adopted.

FREE CONFERENCE COMMITTEE REPORT.

By Senator Ward:

Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910; for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency,"

Have had the same under consideration, and beg leave to report that we have agreed upon and recommend the adoption of the following attached bill in lieu of the original bill, No. 7.

WARD,
BRACHFIELD,
SENER,
WEINERT,

On the part of the Senate.

COX,
STRATTON,
MINTON,
RAYBURN,
GILMORE,

On the part of the House.

A BILL

To Be Entitled

An Act to provide for the retirement of certain bonds of the State of Texas maturing on the first day of July, 1909, and the first day of September, 1910; providing for the issuance and sale of other State bonds at a lower rate of interest for the purpose of retiring and redeeming said outstanding bonds; providing for the execution and sale of such other bonds; repealing Chapter 20, General Laws of the Second Called Session of the Thirty-first Legislature; making an appropriation to carry this act into effect, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Governor of the State is hereby authorized to have lithographed one hundred and thirty-five coupon bonds of the State of Texas of the denomination of ten thousand dollars (\$10,000) each and one coupon bond of the State of Texas of the denomination of three thousand seven hundred dollars (\$3700), aggregating one million three hundred and fifty-three thousand seven hundred dollars (\$1,353,700). Said bonds shall be designated "State of Texas Refunding Bonds, Issue of 1910." They shall be numbered from one (1) to one hundred and thirty-six (136), inclusive; they shall be dated September 1, 1910, and shall become due and payable forty (40) years from their date, but the State shall reserve an option of redeeming them at any time after twenty (20) years from their date. They shall bear interest at the rate of three (3) per centum per annum, payable semi-annually on the first day of January and July of each year, evi-

denced by coupons attached. The form of such bonds and coupons shall be prepared by the Attorney General. The bonds shall be signed by the Governor and the Treasurer of the State of Texas, and countersigned and registered by the Comptroller, and shall have the seal of the State of Texas affixed thereto. The facsimile signatures of the Governor and the Treasurer shall be lithographed on the coupons. The principal and interest on said bonds shall be payable upon presentation of bonds or proper coupons in lawful money of the United States at the office of the Treasurer of the State of Texas at Austin, Texas.

Sec. 2. The bonds herein provided for are authorized for the purpose of redeeming and canceling State bonds outstanding to the amount of one million three hundred and fifty-three thousand seven hundred dollars (\$1,353,700), of which seven hundred and ninety-nine thousand three hundred dollars (\$799,300) is held by the State Permanent School Fund; two hundred and seventeen thousand two hundred dollars (\$217,200) by the Permanent State University Fund; twenty-four thousand three hundred dollars (\$24,300) by the Permanent Orphans' Home Fund; twenty-nine thousand five hundred dollars (\$29,500) by the Permanent Blind Asylum Fund; forty-six thousand six hundred dollars (\$46,600) by the Permanent Deaf and Dumb Asylum Fund; sixty-two thousand eight hundred dollars (\$62,800) by the Permanent Lunatic Asylum Fund; and one hundred and seventy-four thousand dollars (\$174,000) by the Permanent Agricultural and Mechanical College Fund; which bonds mature on the first day of July, 1909, and the first day of September, 1910, and were issued under an act of the Legislature of the State of Texas, approved August 5, 1870, entitled "An Act providing for the issuance and sale of the bonds of the State of Texas for the purpose of meeting the appropriations made for maintaining the ranging companies on the frontier"; and an act of the Legislature of the State of Texas, approved April 21, 1879, entitled "An Act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the State and supplying a deficiency in the revenue and to provide the mode and manner of sale of said bonds."

Sec. 3. The Governor and State Treasurer shall sell the bonds herein

provided for and with the proceeds thereof shall redeem the outstanding bonds of the State referred to in Section 2 of this act; provided, that said bonds shall not be sold for less than par and accrued interest; and provided further, that the State Board of Education shall have an option of ten days in which to purchase said bonds; provided, that the Board of Education will pay the price offered for such bonds by the best bona fide bidder.

Sec. 4. There shall be appropriated and set aside in the State Treasury at each biennial session of the Legislature an amount equal to two (2) per cent per annum of the bonds herein provided for for the purpose of creating a sinking fund with which said bonds shall be redeemed.

Sec. 5. Chapter 20 of the General Laws of the Second Called Session of the Thirty-first Legislature is hereby repealed.

Sec. 6. The sum of one hundred dollars (\$100) or so much thereof as may be necessary is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the expense of lithographing the bonds provided for in this act, and any other expenses necessary in carrying out the provisions thereof.

Sec. 7. The large number of bills now before the Legislature for its consideration creates an emergency and imperative public necessity exists that the rule requiring bills to be read on three several days be suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

The above report was read and adopted by the following vote:

Yeas—25.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofe.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Murray.

Absent—Excused.

Adams.
Kellie.

Perkins.
Ratliff.

Senator Brachfield moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Watson:

Whereas, Upon the convening of the Third Called Special Session of the Thirty-first Legislature, Miss Jennie Daugherty was directed by the membership of this Senate to perform the services of stenographer for the Senate, which said services were creditably performed by Miss Daugherty; and

Whereas, By oversight Miss Daugherty's name was not placed upon the pay roll until July 27, notwithstanding the fact that she had been performing the services as a stenographer up to that date at all times, from the 22d of July; therefore, be it

Resolved by this Senate, In consideration of the services performed by Miss Daugherty, does now direct that she be paid by this Senate the sum of \$30 for services to be performed on August 17, 1910, and that a proper warrant for said amount be made in her favor for said sum of \$30.

The resolution was read and adopted

SENATE BILL NO. 20.

On motion of Senator Terrell of Bowie, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, Senate bill No. 20 by the following vote:

Yeas—25.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofe.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Murray.

Absent—Excused.

Adams.

Perkins.

Kellie.

Ratliff.

On motion of Senator Terrell of Bowie, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Greer.

Absent—Excused.

Adams.

Perkins.

Kellie.

Ratliff.

On motion of Senator Terrell of Bowie, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency."

The bill was read second time, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting at the end of Section 1 the following: "To pay E. A. Bolmes, Commissioner of Pensions, salary from June 12, 1909, to August 31, 1909, the sum of \$438.90."

Senator Willacy offered the following amendment, which was read and adopted:

Amend the caption by adding after the word "Texas" "and to pay a deficiency in support of the State government, being to pay E. A. Bolmes, Commissioner

of Pensions, the sum of \$438.90 for services from June 12, 1909, to August 31, 1909."

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.

Absent.

Greer.

Murray.

Absent—Excused.

Adams.

Perkins.

Kellie.

Ratliff.

The bill was read third time, and passed by the following vote:

Yeas—25.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Greer.

Absent—Excused.

Adams.

Perkins.

Kellie.

Ratliff.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 13, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subjects and suggest legislation thereon:

1. Laws amending the city charter of the city of Denison, Texas.

2. Legislation amending the Van Zandt county road law.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did sign in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 30, "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

ADJOURNMENT.

Senator Meachum, at 12 o'clock noon, moved that the Senate adjourn until tomorrow, August 13, at 2:15 o'clock p. m.

The motion was adopted.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

Waco, Texas, August 8, 1910.

To the Honorable Senate and House of Representatives, Thirty-first Legislature, Austin, Texas.

Gentlemen: Believing that the State should maintain control of the fire insurance rates and that the existing statute, known as the Fire Rating Board law, is based upon principles of equity and justice and will eventually work the greatest good to the greatest number, we, the undersigned citizens and insurers of McLennan county, respectfully petition

your honorable body not to repeal the existing law, but to perfect the same by such amendments as may be necessary. We favor the amendment of the law to the end that no schedules or rates filed by the insurance companies shall become effective until approved by the Fire Rating Board, and that the board shall have authority over all forms and clauses used by the companies in writing fire insurance in Texas.

Numerously signed.

By Senator Adams:

Brownwood, Texas, August 10, 1910.

Hon. W. N. Adams, Austin Texas.

Dear Senator: I herewith hand you additional petitions received by me through the mail today, and I hear of others that are being signed which have not yet been received, but will be forwarded by tomorrow's mail.

We would like very much for you to consider the fact that nine out of the ten counties in the Twenty-sixth Senatorial District are absolutely dry, and in only one county in this district is there a saloon, and a part of that county has dry territory.

We can not believe but that you will vote for the best interests of your constituency in this district, and we know that you are aware of the fact that it is overwhelmingly for this measure, and I think the names on these petitions show that this county is well represented for the short time that we have had to circulate the petitions.

Yours very truly,

TOM LEACH.

Brownwood, Texas, August 5, 1910.

To Hon. W. N. Adams, Senator Twenty-sixth Senatorial District of Texas:

We, the undersigned citizens of Brown county, Texas, believing that Brown county and the Twenty-sixth Senatorial district is opposed to the saloon and desire that it be abolished, respectfully request that you vote for and support the bill now pending before the Legislature known as the "quart law."

Numerously signed.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State Government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Willacy, Chairman; Sturgeon, Paulus, Weinert, Murray, Meachum, Holsey, Peeler, Harper, Terrell of Bowie.

Committee Room,
Austin, Texas, August 12, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 13, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas, and duties of his employes," etc.,

Have had same under consideration, and we are instructed to report it back to the Senate, with the recommendation that it do pass, with the following amendments:

Amend Section 42 by striking out the figures "1910" and inserting the figures "1911."

Amend the bill by adding Section 15a to read as follows:

"Sec. 15a. He shall remit or make an allowance to every tax assessor in the auditing of his accounts for all sums of money which, in his judgment, have been illegally assessed."

Amend the bill by striking out all of Section 30 after the word "act," in line 2 of the section.

PEELER, Chairman.

(Floor Report.)

Austin, Texas, August 12, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

House bill No. 30, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency,"

Have had the same under consideration, and beg leave to report it back to

the Senate, with the recommendation that it do pass, and be not printed.

Watson, Chairman; Hume, Kauffman, Terrell of Bowie, Peeler, Ward, Paulus, Harper, Sturgeon, Perkins, Willacy, Veale.

(Floor Report.)

Austin, Texas, August 12, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 21, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county," etc.,

Have had same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass and be not printed.

Greer, Chairman; Perkins, Terrell of McLennan, Mayfield, Paulus, Veale, Sturgeon, Peeler, Murray.

(Floor Report.)

Austin, Texas, August 12, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 20, A bill to be entitled "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' passed by the Thirty-first Legislature and approved March 16, 1909. Said act to be amended by adding after Article 13 of the same 'Article 13a', restricting the location or maintenance of any places where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail, to certain streets in said city,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Senter, Chairman; Peeler, Willacy, Kauffman, Alexander. Holsey, Real,

Terrell of McLennan, Hume, Cofer, Sturgeon.

Committee Room,
Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 19, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, August 12, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, A bill to be entitled "An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled 'An Act authorizing any county in the State of Texas, having a population in excess of fifty thousand inhabitants, by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency,' by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 8, "An Act authorizing the Treasurer of the State of Texas, upon warrant drawn by the Comptroller, to pay off and discharge bonds aggregating the sum of \$13,200.00, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the date of the passage and taking effect of this act, and authorizing the Comptroller of Public Accounts to cancel said bonds, and now held by any individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Treasurer of the State of Texas, upon warrant drawn by the Comptroller, is hereby authorized to pay off and discharge bonds aggregating the sum of \$13,200.00, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and the Comptroller of Public Accounts is hereby authorized to cancel said bonds, and now held and owned by any individual or individuals, corporation or corporations, upon the presentation of said bonds for payment, and that the sum of \$15,500.00, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, for that purpose: provided, however, that from and after the passage and taking effect of this act no interest shall accrue or be charged upon said bonds or paid by the Treasurer of this State thereon, and interest shall hereby cease to accrue upon said bonds after the passage and taking effect of this act.

Sec. 2. The fact that the bonds mentioned in Section 1 of this act are now past due payment and are bearing interest at the rate of 5 per cent, and it would be economy and to the best interest of the State that said bonds be paid, creates

an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act takes effect from and after its passage.

And find it correctly enrolled, and have this day, at 11:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, August 11, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 10, "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College' all money or moneys heretofore or hereafter collected under the Pure Feed Acts of the Twenty-ninth Legislature, amended by Chapter 131, Acts of the Thirtieth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all money or moneys heretofore or hereafter collected by the officers and employees of the A. and M. College under the provisions of the Pure Feed Acts, passed by the Twenty-ninth Legislature, being Chapters 108 and 118 of said Acts, and amended by Chapter 131, Acts of the Thirtieth Legislature, regulating the sale of concentrated commercial feed stuffs, and so forth, and paid into the State Treasury, and not heretofore expended for and on behalf of the A. and M. College, be, and the same are hereby transferred and appropriated to the use and benefit of the A. and M. College of Texas, and the Treasurer of this State shall keep an account on his books to be designated and known as "Pure Feed Fund of the A. and M. College," and to which said fund he shall at once transfer from the general fund all funds heretofore collected and paid into the general fund by said Pure Feed Department of the A. and M. College under said acts (and not expended for the use of the A. and M. College), and shall place all funds hereafter collected under said acts to said fund.

Sec. 2. Said fund so appropriated and collected shall be used by the Board of

Directors of the A. and M. College for making all necessary repairs at the A. and M. College, erection of buildings and other improvements, and for such other purposes as may be deemed advisable by the Board of Directors, and said funds shall be paid out by the State Treasurer on warrants issued by the President and Secretary of the Board of Directors. The said Board of Directors shall, on the 31st day of August of each year, file a sworn report with the Governor, giving an itemized statement of all receipts and disbursements of said fund for the year ending on said date.

Sec. 3. All laws and parts of laws in conflict with this act be and they are hereby repealed.

Sec. 4. The fact that there is now an urgent necessity for certain repairs and other improvements to be made at the A. and M. College, and there are now no funds available for that purpose, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 11:20 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

(Floor Report.)

Austin, Texas, August 12, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 29, A bill to be entitled "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' passed by the Thirty-first Legislature and approved March 19, 1909. Said act to be amended by adding after Article 13 of the same 'Article 13a,' restricting the location or maintenance of any places where spirituous, vinous or malt liquors or medicated biters capable of producing intoxication are sold at retail, to certain streets in said city,'"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

_____, Chairman.

Committee Room,
Austin, Texas, August 12, 1910.

Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on Engrossed
Bills have carefully examined and com-
pared

Senate bill No. 3, A bill to be entitled

"An Act to repeal Chapter 18 of the
General Laws of the Thirty-first Legis-
lature, relative to fire insurance compa-
nies, prescribing conditions for transact-
ing business, and declaring an emer-
gency,"

And find the same correctly engrossed.

WARD, Chairman.

In Memory
of
Hon. C. C. Stokes.

"Or ever the silver cord be loosed, or the golden bowl be broken, or the pitcher be broken at the fountain, or the wheel broken at the cistern."

Whereas, The angel of death has passed over the home of our beloved Senator and friend, Hon. C. C. Stokes of Houston county, and borne his soul peacefully away, and, as we stand in the presence of death, we seek in vain to find out God's inscrutable ways. We can not understand why the young, the brilliant, the brave, the Christian man should be stricken in his prime. We can only mourn the loss of our friend; and

Whereas, Senator Stokes was serving his second term in the Senate of Texas and has faithfully represented his district during all these years with fidelity and steadfastness worthy of emulation and our highest commendation and in a way to earn for himself the respect and esteem of his associates in this high body; and

Whereas, Senator Stokes in his private life exemplified the highest virtues of the good man and in his daily walk lived the Christian religion, which he professed, and we shall miss his kindly words, his cheerful smile, his open hand, his frank counsel; and

Whereas, It is proper that the Senate in an official manner should in this sad hour show its appreciation of the official service of Senator Stokes and we, his comrades in the Senate, should testify to his worth as a citizen, as a man and as a friend; therefore, be it

Resolved by the Senate, That in the death of Senator Stokes, not only his Senatorial District, but the State of Texas has lost one of her most devoted, patriotic and able sons, one whose strong body and vigorous mind gave promise of many years of brilliant service; and be it

Resolved further, That we extend to the surviving widow of Senator Stokes and to his family our deepest sympathy and pray that He, who tempers the wind to the shorn lamb, may console them in this sad hour and in the days to come, as they mourn their great loss; and be it

Resolved further, That a page of the Senate Journal be set aside in memory of the deceased Senator and that when the Senate adjourns today it do so out of memory to the deceased, and that the Governor be requested to have the flag on the Capitol placed at half mast today; that a copy of these resolutions be furnished his devoted widow and family, reminding them of the esteem in which their loved one was held by his friends and associates, and that copies hereof be furnished the press for publication; and be it

Resolved, That a committee of the Senate, composed of four Senators, be appointed to attend the funeral and to secure a suitable floral offering.

Signed—A. B. Davidson, President of the Senate; Senators Cofer, Holsey, Mayfield, Alexander, Meachum, Peeler, Sturgeon, Terrell of Bexar, Hume, Veale, Terrell of McLennan, Ward, Willacy, Adams, Brachfield, Terrell of Wise, Ratliff, Bryan, Greer, Harper, Hudspeth, Kauffman, Kellie, Paulus, Perkins, Real, Senter, Watson, Weinert.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Saturday, August 13, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

By Senator Greer:

Senate bill No. 22, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature and sent to the Governor for approval on the 18th of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Morning call concluded.

EXECUTIVE SESSION.

The Chair here announced that the hour for the Senate to go into executive

session had arrived and directed the Chamber cleared of all those not entitled to remain.

In executive session the following confirmation was made:

E. A. Berry of Madison county to be district attorney of the Twelfth Judicial District.

IN THE SENATE.

HOUSE BILL NO. 40.

On motion of Senator Real the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 40, by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hudspeth.	Kauffman.
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Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

On motion of Senator Real the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Hudspeth.

Absent—Excused.

Adams.
Kellie.

Perkins.
Ratliff.

On motion of Senator Real, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 40. A bill to be entitled "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities; to provide for the approval of said charter by the qualified electors of said city, and to declare an emergency, and to repeal all acts in conflict herewith."

Bill read second time, and ordered engrossed.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent—Excused.

Adams.
Kellie.

Perkins.
Ratliff.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.

Terrell of Wise.
Veale.
Ward.

Watson.
Weinert.
Willacy.

Absent—Excused.

Adams.
Kellie.

Perkins.
Ratliff.

Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

FIRST HOUSE

MESSAGE.

Hall of the House
Austin, Texas,

of Representatives,
August 13, 1910.

Hon. A. B. David,
Senate.

Son, President of the

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 15. A bill to be entitled "An Act to amend Section 14 of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same be amended by adding 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the same be amended by imposing a license tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the

county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the methods and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith; requiring licenses to be issued under this act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,' by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is enforced to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day, and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

Also adopted the report of the Free Conference Committee on Senate bill No. 7 by the following vote: Yeas, 90; nays, 0.

Also adopted the report of the Free Conference Committee on House bill No. 5 by the following vote: Yeas, 91; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) referred, after its caption had been read, the following House bill:

House bill No. 15, referred to Judiciary Committee No. 2.

REPORT OF FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 5.

Senator Ward offered the following Free Conference Committee report on House bill No. 5:

Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed on House bill No. 5. A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests or any obscene, indecent or immoral show, or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any person, association, corporation, or any agent or employe of any person, association, corporation or receiver, firm or person, providing penalties therefor, and declaring an emergency; and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a, of the Penal Code of Texas; and declaring an emergency," have had the same under consideration and beg leave to report as follows:

Strike out all of the Senate substitute and insert in lieu thereof the following:

An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any person, association, corporation or any agent or employe of any person, association, corporation or receiver, firm or person; providing penalties therefor, and declaring an emergency; and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a, of the Penal Code of Texas; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person, association, corporation, or any agent or employe of any person, association, corporation or receiver, partnership, or firm to give or present to the public an exhibition of prize fights or glove contests or of any obscene, indecent or immoral picture of any character whatsoever by means of moving picture films, bioscopes, vitiscopes, magic lanterns or other device or devices in moving picture shows, theaters or any other place whatsoever.

Sec. 2. Any person or persons, association, or any agent or employe of any person, association, corporation or receiver violating any of the provisions of Section 1 of this act, shall upon conviction thereof, be fined in any sum not less than one hundred dollars and not more than one thousand dollars, or be imprisoned in the county jail for not less than ten nor more than sixty days, or both, in the discretion of the court or jury, and each day's violation of any of the provisions of this act shall constitute and be punishable as a separate offense.

Sec. 3. All laws and parts of laws in conflict herewith be and the same are hereby repealed. But this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a, of the Penal Code of Texas.

Sec. 4. The fact that there is no general law in force in this State preventing the unlawful exhibiting of prize fighting between man and man, and man and beast, and the exhibiting of obscene views of persons and beasts by moving pictures and other devices, constitute an imperative public necessity that the constitutional rule requiring bills to be read in each house of the Legislature on three several days be suspended, and that this act shall take effect from and after its passage, and it is so enacted.

WARD,
ALEXANDER,
COFER,
HARPER,

On part of the Senate.

BOWLES,
HAMILTON of Childress,
GILMORE,

On part of the House.

The report was read, and

On motion of Senator Ward, the report was adopted by the following vote:

Yeas—23.

Alexander. Bryan.
Brachfield. Cofer.

Greer. Sturgeon.
Harper. Terrell of Bowie.
Holsey. Terrell of McLennan.
Hudspeth. Terrell of Wise.
Mayfield. Veale.
Meachum. Ward.
Paulus. Watson.
Peeler. Weinert.
Real. Willacy.
Senter.

Nays—3.

Kauffman. Murray.
Hume. Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

Senator Ward moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 29.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 29 by the following vote:

Yeas—25.

Alexander. Paulus.
Brachfield. Peeler.
Bryan. Real.
Cofer. Senter.
Greer. Terrell of Bowie.
Harper. Terrell of McLennan.
Holsey. Terrell of Wise.
Hudspeth. Veale.
Hume. Ward.
Kauffman. Watson.
Mayfield. Weinert.
Meachum. Willacy.
Murray.

Absent.

Sturgeon. Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

The Chair laid before the Senate, on second reading,

House bill No. 29, A bill to be entitled "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of corporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' passed by the Thirty-first Legislature and approved March 19, 1909; said act to be amended by adding after

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Saturday, August 13, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

By Senator Greer:

Senate bill No. 22, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature and sent to the Governor for approval on the 18th of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Morning call concluded.

EXECUTIVE SESSION.

The Chair here announced that the hour for the Senate to go into executive

session had arrived and directed the Chamber cleared of all those not entitled to remain.

In executive session the following confirmation was made:

E. A. Berry of Madison county to be district attorney of the Twelfth Judicial District.

IN THE SENATE.

HOUSE BILL NO. 40.

On motion of Senator Real the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 40, by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hume.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hudspeth.	Kauffman.
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Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

On motion of Senator Real the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Hudspeth.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

On motion of Senator Real, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 40, A bill to be entitled "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities; to provide for the approval of said charter by the qualified electors of said city, and to declare an emergency, and to repeal all acts in conflict herewith."

Bill read second time, and ordered engrossed.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.

Terrell of Wise.	Watson.
Veale.	Weinert.
Ward.	Willacy.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

FIRST HOUSE

MESSAGE.

Hall of the House
Austin, Texas,

of Representatives,
August 13, 1910.

Hon. A. B. David,
Senate. Son, President of the

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 15, A bill to be entitled "An Act to amend Section 14 of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the same being an Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being an Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the same wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the

county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the methods and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith; requiring licenses to be issued under this act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency," by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is enforced to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day, and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

Also adopted the report of the Free Conference Committee on Senate bill No. 7 by the following vote: Yeas, 90; nays, 0.

Also adopted the report of the Free Conference Committee on House bill No. 5 by the following vote: Yeas, 91; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) referred, after its caption had been read, the following House bill:

House bill No. 15, referred to Judiciary Committee No. 2.

REPORT OF FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 5.

Senator Ward offered the following Free Conference Committee report on House bill No. 5:

Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed on House bill No. 5. A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests or any obscene, indecent or immoral show, or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any person, association, corporation, or any agent or employe of any person, association, corporation or receiver, firm or person, providing penalties therefor, and declaring an emergency; and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a, of the Penal Code of Texas; and declaring an emergency," have had the same under consideration and beg leave to report as follows:

Strike out all of the Senate substitute and insert in lieu thereof the following:

An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any person, association, corporation or any agent or employe of any person, association, corporation or receiver, firm or person; providing penalties therefor, and declaring an emergency; and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a, of the Penal Code of Texas; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person, association, corporation, or any agent or employe of any person, association, corporation or receiver, partnership, or firm to give or present to the public an exhibition of prize fights or glove contests or of any obscene, indecent or immoral picture of any character whatsoever by means of moving picture films, bioscopes, vitiscopes, magic lanterns or other device or devices in moving picture shows, theaters or any other place whatsoever.

Sec. 2. Any person or persons, association, or any agent or employe of any person, association, corporation or receiver violating any of the provisions of Section 1 of this act, shall upon conviction thereof, be fined in any sum not less than one hundred dollars and not more than one thousand dollars, or be imprisoned in the county jail for not less than ten nor more than sixty days, or both, in the discretion of the court or jury, and each day's violation of any of the provisions of this act shall constitute and be punishable as a separate offense.

Sec. 3. All laws and parts of laws in conflict herewith be and the same are hereby repealed. But this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a, of the Penal Code of Texas.

Sec. 4. The fact that there is no general law in force in this State preventing the unlawful exhibiting of prize fighting between man and man, and man and beast, and the exhibiting of obscene views of persons and beasts by moving pictures and other devices, constitute an imperative public necessity that the constitutional rule requiring bills to be read in each house of the Legislature on three several days be suspended, and that this act shall take effect from and after its passage, and it is so enacted.

WARD,
ALEXANDER,
COFER,
HARPER,

On part of the Senate.

BOWLES,
HAMILTON of Childress,
GILMORE,

On part of the House.

The report was read, and

On motion of Senator Ward, the report was adopted by the following vote:

Yeas—23.

Alexander. Bryan.
Brachfield. Cofer.

Greer.
Harper.
Holsey.
Hudspeth.
Mayfield.
Meachum.
Paulus.
Peeler.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—3.

Kauffman. Murray.
Hume.

Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

Senator Ward moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 29.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 29 by the following vote:

Yeas—25.

Alexander. Paulus.
Brachfield. Peeler.
Bryan. Real.
Cofer. Senter.
Greer. Terrell of Bowie.
Harper. Terrell of McLennan.
Holsey. Terrell of Wise.
Hudspeth. Veale.
Hume. Ward.
Kauffman. Watson.
Mayfield. Weinert.
Meachum. Willacy.
Murray.

Absent.

Sturgeon. Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

The Chair laid before the Senate, on second reading,

House bill No. 29, A bill to be entitled "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of corporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' passed by the Thirty-first Legislature and approved March 19, 1909; said act to be amended by adding after

Article 13 of the same Article 13a, restricting the location or maintenance of any places where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail, to certain streets in said city."

On motion of Senator Peeler, the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to third reading.

SENATE BILL NO. 22.

On motion of Senator Greer, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, Senate bill No. 22 by the following vote:

Yeas—24.

Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon. Terrell of McLennan.

Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—24.

Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon. Terrell of McLennan.

Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

On motion of Senator Greer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Sturgeon. Terrell of McLennan.

Absent—Excused.

Adams. Perkins.
Kellie. Ratliff.

On motion of Senator Greer, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 22, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Sender.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Terrell of Bowie.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

The bill was read third time and passed by the following vote:

Yeas—25.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Sender.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Terrell of Bowie.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Meachum, the Senate, at 3:15 o'clock, recessed until 4:15 o'clock this afternoon.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 17.

Senator Cofer called up Senate bill No. 17, which was on the President's table subject to call.

The Chair laid before the Senate, on second reading,

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Meachum offered the following amendment:

Amend the bill at the end of Section 3 by adding after the word "subdivisions" the following: "And provided further that the provisions of this act shall not apply to the use of intoxicants as above defined for sacramental purposes, nor to actual bona fide entertainments or social functions of regularly organized lodges or organizations, or their subordinate lodges, which exist under and by virtue of a lawful charter of the State of Texas and which admit no person to membership under twenty-one years of age."

MEACHUM,
REAL,
MURRAY,
PEELER,
HUDSPETH,
TERRELL of McLennan,
WILLACY,
KAUFFMAN,
WEINERT,
HUME,
SENDER,
WATSON,
PAULUS.

Senator Sturgeon offered the following substitute for the above amendment:

Amend the bill by adding the words "except for sacramental purposes" after the word "premises" in line 7. page 74, of the Journal.

Senator Meachum made the point of order that the substitute was not a substitute for the amendment, but an amendment to the amendment:

The Chair overruled the point of order. (Senator Ward in the chair.)

Pending discussion on the amendments,

Senator Mayfield moved the previous question on the amendment and substitute, which motion being duly seconded, was so ordered.

The substitute was lost by the following vote:

Yeas—12.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Harper.	Ward.

Nays—14.

Holsey.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

(Lieutenant Governor Davidson in the chair.)

Action recurred on the amendment by Senator Meachum and the same was lost by the following vote:

Yeas—13.

Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—13.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Harper.	Ward.
Holsey.	

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

The vote being a tie, Lieutenant Governor Davidson, who was presiding, voted "nay," and declared the amendment lost.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 41, A bill to be entitled "An Act to amend Section 4, Article 5 of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the appointment and removal of officers and employes of said city, and declaring an emergency."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 7, A bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums, and forms of policies; and to prevent discrimination therein, and to create a State Insurance Board, and prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, and all other laws and parts of laws in conflict therewith, and declaring an emergency."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 41, referred to Committee on Towns and City Corporations.

House bill No. 7, referred to Committee on Insurance, Statistics and History.

RECESS.

Senator Hudspeth moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—12.

Hudspeth.	Peeler.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—14.

Alexander.	Mayfield.
Brachfield.	Real.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Harper.	Veale.
Holsey.	Ward.

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

Senator Meachum moved that the Senate recess until 8 o'clock tonight.

The motion was adopted by the following vote:

Yeas—17.

Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	Willacy.
Meachum.	

Nays—9.

Hudspeth.	Senter.
Hume.	Veale.
Kauffman.	Watson.
Murray.	Weinert.
Paulus.	

Absent—Excused.

Adams.
Kellie.

Perkins.
Ratliff.

BILL SIGNED BY THE CHAIR.

The Chair gave notice of signing and did sign, in the presence of the Senate after its caption had been read, the following bill:

House bill No. 5, "An Act to prohibit the exhibition or representation of prize fights and glove contests, legal hangings or executions of human beings, or the hanging, burning or other means of execution of human beings by any mob, representations of bull fights, train robberies, stage coach robberies, bank robberies, or of lewd, lascivious or obscene pictures by moving picture films or other means, providing a penalty therefor, and creating an emergency."

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson, and there being no quorum present, Senator Terrell of McLennan moved that the Senate recess for fifteen minutes. The motion was adopted.

The Senate was again called to order by Lieutenant Governor Davidson, and Senator Willacy moved that the Senate be at ease until 9 o'clock. The motion prevailed.

At 9 o'clock the Senate was again called to order.

ADJOURNMENT.

Senator Meachum moved that the Senate adjourn until 10 o'clock Monday morning.

Senator Cofer moved, as a substitute, that the Senate recess until 9:15 o'clock tonight.

Action being on the longest time first, the motion to adjourn prevailed by the following vote:

Yeas—13.

Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—13.

Alexander.	Mayfield.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Harper.	Ward.
Holsey.	

Absent—Excused.

Adams.	Perkins.
Kellie.	Ratliff.

The vote being a tie, Lieutenant Governor Davidson, who was presiding, voted "yea," and declared the Senate adjourned until 10 o'clock Monday morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 22, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 21, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds

to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and to pay a deficiency in support of the State government, being to pay E. A. Bolmes, Commissioner of Pensions, the sum of \$438.90 for services from June 12, 1909, to August 31, 1909, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

(Floor Report.)

Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 40, A bill to be entitled "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter: to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities; to provide for the approval of said charter by the qualified electors of said city, and to declare an emergency, and to repeal all acts in conflict herewith,"

Have had the same under considera-

tion, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Holsey, Alexander, Willacy, Kauffman, Peeler, Hume, Real, Terrell of McLennan, Cofer, Sturgeon.

(Floor Report.)

Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 22, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for his approval on the 18th of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Veale, Murray, Sturgeon, Mayfield, Terrell of McLennan, Senter, Paulus.

(Floor Report.)

Austin, Texas, August 13, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred House bill No. 7, have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

Hudspeth, Chairman; Watson, Brachfield, Senter, Alexander, Mayfield, Sturgeon, Willacy, Veale, Hume, Terrell of McLennan.

Following is the bill in full:

House bill No. 7. By Cureton et al.

A BILL

To Be Entitled

An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the

hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums, and forms of policies; and to prevent discrimination therein, and create a State Insurance Board, and prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature and all other laws and parts of laws in conflict therewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every fire insurance company, every marine insurance company, every fire and marine insurance company, every fire and tornado insurance company, and each and every insurance company of every kind and name, issuing a contract or policy of insurance or contracts or policies of insurance against loss by fire on property within this State, whether such property be fixed or movable, stationary or in transit, or whether such property is consigned or billed for shipment within or beyond the boundary of this State, or to some foreign country, whether such company is organized under the laws of this State or under the laws of any other State, Territory or possession of the United States, or foreign country, or by authority of the Federal government, now holding a certificate of authority to transact business in this State, or hereafter granted authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder, upon condition that it consents to the terms and provisions of this act, and that it agrees to transact business in this State subject thereto. It being intended that every contract or policy of insurance against the hazard of fire shall be issued in accordance with the terms and provisions of this act, and the company issuing the same governed thereby, regardless of the kind and character of such property and whether the same is fixed or movable, stationary or in transit, including the shore end of all marine risks insured against loss by fire.

Sec. 2. That there may be reasonable and just insurance rates in Texas,

there is hereby created a board to be known as the "State Insurance Board," which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and two members, who shall be appointed by the Governor by and with the consent of the Senate; the members of said board, other than the Commissioner of Insurance and Banking, shall be appointed as herein provided, within ten days after this act takes effect; one of said members to be so appointed shall be appointed for a term ending August 1, 1911, and biennially thereafter; the other of said members of said board shall be appointed for a term ending August 1, 1912, and biennially thereafter; and the Governor in making his first appointments to fill these respective offices shall designate which of said officers shall fill the term expiring August 1, 1911, and which of said officers shall fill the term expiring August 1, 1912. The Commissioner of Insurance and Banking, for the purposes of this act, may be referred to as the Commissioner of Insurance.

Sec. 3. The members of said board, other than the Commissioner of Insurance and Banking, shall each receive as compensation of their services the sum of twenty-five hundred dollars per annum; and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services, under this act, the sum of five hundred dollars per annum, in addition to his compensation as now fixed by law. Such salaries of the said two appointed members of said board and the said five hundred dollars salary of the Commissioner of Insurance and Banking, together with the necessary compensation of experts, the clerical force, and other employees employed by said board, and all necessary traveling expenses, and such other expenses as may be necessary, incurred in carrying out the provisions of this act, shall be paid by warrant drawn by the Comptroller upon the State Treasurer upon the order of said board; provided that the total amount of all salaries and said other expenses shall not exceed the sum of twenty-five thousand dollars annually, and for the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning

September 1, 1910, and ending August 31, 1911.

Sec. 4. The State Insurance Board shall have the power and authority and it shall be its duty to prescribe, fix, control and regulate rates of fire insurance, as provided in this act. It shall make and prescribe general basis schedules, together with rules and regulations for determining specific rates therefrom, and furnish each insurance company now doing business in this State, or which may hereafter be granted a certificate of authority to do business in this State, a copy of such general basis schedules; and the said board shall also have authority to alter or amend such general basis schedules in accordance with the provisions of this act. Said board shall also supervise, control and regulate rates of insurance, and shall have authority to alter and revise and to raise and lower such rates, and to alter and revise, raise and lower such general basis schedules or any part thereof, and decide all questions required, authorized or permitted to be passed upon by said board, under the provisions of this act. Said board shall also have authority to employ clerical help, experts, inspectors and such other assistants, and to incur such other expenses as may be necessary in carrying out the provisions of this act not to exceed the sum of \$25,000 per annum, including salaries of members of the board and all other expenses to be paid out of the State Treasury.

It shall be the duty of said board to ascertain as soon as practicable the annual fire loss of this State; to obtain, make and maintain a record thereof; and collect such data and information with respect thereto as will enable said board to classify the fire losses of this State, the causes thereof and the amount of premiums collected therefor for each class of risks and the amount paid thereon, in such manner as will be of assistance in determining equitable insurance rates, methods of reducing such fire losses, and reducing the insurance rates of the State.

Sec. 5. For the purpose of facilitating the work of said board, one of the appointed members thereof shall be selected by the board as its Secretary, who shall perform the duties which shall appertain to that position, and whose official title shall be "Secretary of the State Insurance Board;" the other of said appointed members thereof shall be selected by said board as Fire

Marshal of the State Insurance Board, and his official title shall be "Fire Marshal of the State Insurance Board;" but the said members so selected as Secretary and Fire Marshal as aforesaid, shall receive no compensation for filling their respective positions other than their salaries as members of the State Insurance Board, and shall perform the duties of these respective positions at the will of the board, but their expenses incurred in performing the duties of these respective positions shall be paid as provided in this act.

Sec. 6. It shall be the duty of the Fire Marshal of the State Insurance Board, who, for the purpose of this act, may be referred to as the State Fire Marshal, at the discretion of the board, and upon the request of the mayor of any city or village, or the chief of a fire department of any city or village; or of any village fire marshal, where a fire occurs within such city or village; or of a county or district judge; or of the sheriff or county attorney of any county, where a fire occurs within the district or county of the officer making such request; or of any fire insurance company, or its general, State or special agent, interested in a loss; or of a policy holder sustaining a loss; or upon the direction of the State Insurance Board, to forthwith investigate at the place of such fire, the origin, cause and circumstances of any fire occurring within this State, whereby property has been destroyed or damaged, and shall ascertain, if possible, whether the same was a result of an accident, carelessness or design, and shall make a written report thereof to the State Insurance Board, and shall also furnish, in writing, to the county or district attorney of the county in which such fire occurred, all the information and evidence obtained by him, including a copy of all pertinent testimony taken in the case.

Sec. 7. The State Fire Marshal shall have power to administer oaths, take testimony, compel the attendance of witnesses and the production of documents, and to enter, at any reasonable time, any buildings or premises where a fire has occurred or is in progress, or any place contiguous thereto for the purpose of investigating the cause, origin and circumstances of such fire. And he may enter and examine at any reasonable time any building, structure or place for the purpose of ascertaining the fire hazard and may remove or require the owner or occupant to remove or

safely store combustible material, dangerously exposed or improperly placed therein, and to remove any unnecessary exposure to fire hazard found therein; the said State Fire Marshal is hereby authorized when necessary to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this section, and in such case he shall not be required to give bond.

Sec. 8. The State Insurance Board shall have authority and it shall be its duty to appoint a Deputy Fire Marshal of the State Insurance Board for every town or village in this State whether incorporated or unincorporated, with or without salary, unless such town or village already has a fire marshal; provided that the expenses and salary of such Deputy Fire Marshal of the State Insurance Board shall be paid by such town, city or village or the inhabitants thereof and not by the State; and such Deputy Fire Marshal of the State Insurance Board so appointed may be known as the Fire Marshal of such town, city or village; and such Deputy Fire Marshal of the State Insurance Board when so appointed shall perform such duties and have such powers and authorities as may be conferred upon him by the State Insurance Board, not inconsistent with law, and shall at all times act in accordance with the orders and directions of the State Insurance Board.

Sec. 9. If, for any reason, the State Fire Marshal is unable to make any required investigation in person he may designate the Fire Marshal of such city or town, or some other suitable person, to act for him, and such person so designated shall have the same authority as is herein given the State Fire Marshal with reference to the particular matter to be investigated by him, and shall receive such compensation for his services as may be allowed by the State Insurance Board. If the investigation of a fire is made at the request of an insurance company or at the request of a policy holder sustaining loss, or at the request of the mayor, town clerk or chief of the fire department of any city, village or town in which the fire occurred, then the expense of such investigation, including the traveling and other expenses of the Fire Marshal, clerical expenses, witnesses' and officers' fees, incident and necessary to such investigation, shall be paid by such insurance company, or such policy holder, or

such city or town, as the case may be, otherwise the expenses of such investigation are to be paid as part of the expenses of the State Insurance Board. Provided, the party or parties, company or companies requesting such investigation shall before such investigation is commenced deposit with the State Insurance Board an amount of money in the judgment of said board sufficient to defray the expenses of said Fire Marshal in conducting such investigation.

Sec. 10. No action taken by the State Fire Marshal shall affect the rights of any policy holder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any such investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by any insurance company, its officers, agents or adjusters, nor by any policy holder or any one representing him, made with reference to the origin, cause, or supposed origin or cause, of a fire to the Fire Marshal or to anyone acting for him or under his directions, be admitted in evidence or made the basis for any action for civil damages.

Sec. 11. The said board is authorized and empowered to require sworn statements from any insurance company affected by this act and from any of its officers, directors, representatives, general agents, State agents, special agents and local agents of the rates and premiums collected for the fire insurance on each class of risks, on all property in this State during any or all years for the five years next preceding the first day of January, 1910, and of the causes of fires, if such be known, if they are in possession of such data and information, or can obtain it at a reasonable expense; and said board is empowered to require such statements for any period of time after the first day of January, 1910; and said board is empowered to require such statements showing all necessary facts and information to enable said board to make, amend and maintain the general basis schedules, provided for in this act, and the rules and regulations for applying same and to determine reasonable and proper specific rates and to enforce and assist in the enforcement of the provisions of this act. The said board shall also have the right, at its discretion, either personally or by some one duly authorized by it, to visit the offices, whether general, local or otherwise, of any insurance

company doing business in this State, and the home office of said company outside of this State, if there be such, and the office of any officers, directors, general agents, State agents, local agents or representatives of such company, and there require such company, its officers, agents or representatives, to produce for inspection by said board or by its duly authorized representatives, all books, records and papers of such company or such agents and representatives; and the said board or its duly authorized agents or representatives shall have the right to examine such books, records and papers and make, or cause to be made, copies thereof; and shall have the right to take testimony under oath with reference thereto, and to compel the attendance of witnesses for such purpose; and any company, its officers, agents or representatives, failing to make such statements and reports herein referred to and failing or refusing to permit the examination of books, papers and records as herein required, when so called upon, or declining or failing to comply with any provision of this section, shall be subject to the penalties provided for in Section 24 of this act.

Sec. 12. Immediately upon the taking effect of this act or as soon thereafter as practicable, said board is empowered, and it is hereby made its duty, to prepare a system of general basis schedules, together with rules for applying the same, for determining fire insurance rates on property in this State; the said general basis schedules and the rules for applying the same to be at all times reasonable; the said board may employ and use any facts and information now in the possession of or in the records of the present State Fire Rating Board as well as all facts obtainable from and concerning fire insurance companies transacting business in this State, showing the experience of said companies, and charges for premiums on fire insurance, and generally as to the transaction of their said business during the years named in Section 11 of this act or during any other period of time, in order to devise and fix reasonable general basis schedules and rules for applying the same for determining rates. The said board in preparing such general basis schedules showing the rates on all classes of risks, insurable by any company in this State, shall show all charges, credits, terms, privileges and conditions which in any wise affect such rates or the application of

such rates to specific risks or the cost of insurance; provided, that such schedules and the rules for applying same shall be furnished by said board to any and all insurance companies affected by this act applying therefor; and the same shall be furnished to any citizen of this State applying therefor upon the payment of the actual cost thereof; that such general basis schedules and the rules prescribed with reference thereto shall not take effect until said board shall have entered an order or orders fixing the same and shall have given notice to all insurance companies affected by this act, authorized to transact business in this State.

Sec. 13. It is further provided that after the adoption and promulgation of the general basis schedules and the rules and regulations for applying the same as herein provided for by the board, every insurance company writing fire insurance policies within this State, shall, within a reasonable time, file with the State Insurance Board, its application of said general basis schedules to the specific risks of the State, and the specific rates obtained thereby in accordance with the several provisions of this act; and provided further, that any one or more insurance companies may employ, for the application of such general basis schedules and the making of such specific rates, the service of such experts as they may deem advisable for such purpose, but the contract or contracts of employment of such experts shall first be submitted to the State Insurance Board for its approval; provided further, that the State Insurance Board shall have authority, and it shall be the duty of said board personally, or by its agents, to inspect and supervise the work of said experts in the application of said general basis schedules in the determination of specific rates; provided further, that said company or companies shall file with the board copies of all maps, and copies of the analysis of all applications of said general basis schedules to the specific risks of this State, if required to do so by the board. And it shall be the duty of the expert or experts representing the insurance companies, or any insurance company in this State, to furnish at the date of the inspection, to the owners of all risks inspected for the purpose of applying the general basis schedules provided for in this act, a copy of such inspection report, showing all defects

that operate as charges to increase the insurance rate.

It is further provided that the specific rates so made by a company or companies for any city, town, village or locality, shall not take effect, and such company or companies shall not write insurance thereunder until such specific rates shall have been approved by the board; the board shall have authority to reject said specific rates so made or any part thereof, or to alter, amend, modify or change the same; or to permit such specific rates to become effective for a limited time, or any modification or change thereof for a limited time, in its discretion; provided, however, that the said board shall have authority in its discretion to permit the said company or companies to apply the said schedules of basis rates to risks other than mercantile and special hazards without having first submitted the specific rates so made to said board for approval. But such rates, that the board may permit any company or companies to apply without the board's approval, shall always be subject to review by the board and by the proper showing of any policy holder, or holders, may be reduced. It is further provided that all changes made by any company in the specific rates made by it in applying the general basis schedules shall be subject to the review of the board for its approval or disapproval, and shall be reported to the board in such manner and form as may be prescribed by the board. Provided further, that any insurance company or companies affected by this act shall have the right at any time to petition the board for an order changing or modifying the general basis schedules, or the application of the general basis schedules to the specific risks; and the board shall consider such petition as provided in this act and enter such order as the board may deem just and equitable to such company or companies, to competing companies, and to the public. Provided further, also, that any company affected by this act shall have the right to apply to the board for an order permitting such company to reduce the specific rates of insurance on property within this State, and the board shall consider such application and enter such order with reference thereto as it may deem just and equitable to such company, to competing companies and to the public; but in no event shall discrimination be

such city or town, as the case may be, otherwise the expenses of such investigation are to be paid as part of the expenses of the State Insurance Board. Provided, the party or parties, company or companies requesting such investigation shall before such investigation is commenced deposit with the State Insurance Board an amount of money in the judgment of said board sufficient to defray the expenses of said Fire Marshal in conducting such investigation.

Sec. 10. No action taken by the State Fire Marshal shall affect the rights of any policy holder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any such investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by any insurance company, its officers, agents or adjusters, nor by any policy holder or any one representing him, made with reference to the origin, cause, or supposed origin or cause, of a fire to the Fire Marshal or to anyone acting for him or under his directions, be admitted in evidence or made the basis for any action for civil damages.

Sec. 11. The said board is authorized and empowered to require sworn statements from any insurance company affected by this act and from any of its officers, directors, representatives, general agents, State agents, special agents and local agents of the rates and premiums collected for the fire insurance, on each class of risks, on all property in this State during any or all years for the five years next preceding the first day of January, 1910, and of the causes of fires, if such be known, if they are in possession of such data and information, or can obtain it at a reasonable expense; and said board is empowered to require such statements for any period of time after the first day of January, 1910; and said board is empowered to require such statements showing all necessary facts and information to enable said board to make, amend and maintain the general basis schedules, provided for in this act, and the rules and regulations for applying same and to determine reasonable and proper specific rates and to enforce and assist in the enforcement of the provisions of this act. The said board shall also have the right, at its discretion, either personally or by some one duly authorized by it, to visit the offices, whether general, local or otherwise, of any insurance

company doing business in this State, and the home office of said company outside of this State, if there be such, and the office of any officers, directors, general agents, State agents, local agents or representatives of such company, and there require such company, its officers, agents or representatives, to produce for inspection by said board or by its duly authorized representatives, all books, records and papers of such company or such agents and representatives; and the said board or its duly authorized agents or representatives shall have the right to examine such books, records and papers and make, or cause to be made, copies thereof; and shall have the right to take testimony under oath with reference thereto, and to compel the attendance of witnesses for such purpose; and any company, its officers, agents or representatives, failing to make such statements and reports herein referred to and failing or refusing to permit the examination of books, papers and records as herein required, when so called upon, or declining or failing to comply with any provision of this section, shall be subject to the penalties provided for in Section 24 of this act.

Sec. 12. Immediately upon the taking effect of this act or as soon thereafter as practicable, said board is empowered, and it is hereby made its duty, to prepare a system of general basis schedules, together with rules for applying the same, for determining fire insurance rates on property in this State; the said general basis schedules and the rules for applying the same to be at all times reasonable; the said board may employ and use any facts and information now in the possession of or in the records of the present State Fire Rating Board as well as all facts obtainable from and concerning fire insurance companies transacting business in this State, showing the experience of said companies, and charges for premiums on fire insurance, and generally as to the transaction of their said business during the years named in Section 11 of this act or during any other period of time, in order to devise and fix reasonable general basis schedules and rules for applying the same for determining rates. The said board in preparing such general basis schedules showing the rates on all classes of risks, insurable by any company in this State, shall show all charges, credits, terms, privileges and conditions which in any wise affect such rates or the application of

such rates to specific risks or the cost of insurance; provided, that such schedules and the rules for applying same shall be furnished by said board to any and all insurance companies affected by this act applying therefor; and the same shall be furnished to any citizen of this State applying therefor upon the payment of the actual cost thereof; that such general basis schedules and the rules prescribed with reference thereto shall not take effect until said board shall have entered an order or orders fixing the same and shall have given notice to all insurance companies affected by this act, authorized to transact business in this State.

Sec. 13. It is further provided that after the adoption and promulgation of the general basis schedules and the rules and regulations for applying the same as herein provided for by the board, every insurance company writing fire insurance policies within this State, shall, within a reasonable time, file with the State Insurance Board, its application of said general basis schedules to the specific risks of the State, and the specific rates obtained thereby in accordance with the several provisions of this act; and provided further, that any one or more insurance companies may employ, for the application of such general basis schedules and the making of such specific rates, the service of such experts as they may deem advisable for such purpose, but the contract or contracts of employment of such experts shall first be submitted to the State Insurance Board for its approval; provided further, that the State Insurance Board shall have authority, and it shall be the duty of said board personally, or by its agents, to inspect and supervise the work of said experts in the application of said general basis schedules in the determination of specific rates; provided further, that said company or companies shall file with the board copies of all maps, and copies of the analysis of all applications of said general basis schedules to the specific risks of this State, if required to do so by the board. And it shall be the duty of the expert or experts representing the insurance companies, or any insurance company in this State, to furnish at the date of the inspection, to the owners of all risks inspected for the purpose of applying the general basis schedules provided for in this act, a copy of such inspection report, showing all defects

that operate as charges to increase the insurance rate.

It is further provided that the specific rates so made by a company or companies for any city, town, village or locality, shall not take effect, and such company or companies shall not write insurance thereunder until such specific rates shall have been approved by the board; the board shall have authority to reject said specific rates so made or any part thereof, or to alter, amend, modify or change the same; or to permit such specific rates to become effective for a limited time, or any modification or change thereof for a limited time, in its discretion; provided, however, that the said board shall have authority in its discretion to permit the said company or companies to apply the said schedules of basis rates to risks other than mercantile and special hazards without having first submitted the specific rates so made to said board for approval. But such rates, that the board may permit any company or companies to apply without the board's approval, shall always be subject to review by the board and by the proper showing of any policy holder, or holders, may be reduced. It is further provided that all changes made by any company in the specific rates made by it in applying the general basis schedules shall be subject to the review of the board for its approval or disapproval, and shall be reported to the board in such manner and form as may be prescribed by the board. Provided further, that any insurance company or companies affected by this act shall have the right at any time to petition the board for an order changing or modifying the general basis schedules, or the application of the general basis schedules to the specific risks; and the board shall consider such petition as provided in this act and enter such order as the board may deem just and equitable to such company or companies, to competing companies, and to the public. Provided further, also, that any company affected by this act shall have the right to apply to the board for an order permitting such company to reduce the specific rates of insurance on property within this State, and the board shall consider such application and enter such order with reference thereto as it may deem just and equitable to such company, to competing companies and to the public; but in no event shall discrimination be

permitted between persons, or between different classes of risks.

The board shall also have the power and authority to give each city, town, village or locality credit for each and every hazard they may reduce or entirely remove, also for all added fire fighting equipment, increased police protection or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality. The board shall also have the power and authority to compel any company to give any and all policy holders credit for any and all hazards that said policy holder or holders may reduce or remove. Said credit shall be in proportion to such reduction or removal of such hazard, and said company or companies shall return to such policy holder or holders such proportional part of unearned premiums charged for such hazards that may be reduced or removed.

Sec. 14. It is provided that after the approval by the board of the specific rates made by the insurance companies hereunder, that thereafter when a policy of insurance is written that the policy holder shall be furnished by the company with a copy of the analysis of his specific rate showing the items of charge and credit which determine the rate, unless such policy holder has theretofore been furnished with such analysis of his rate; it is also further provided that the general basis schedules and all specific rates and local tariffs filed in accordance with the provisions of this act shall be open to the inspection of the public, and each local agent shall have and exhibit to the public copies thereof relative to all risks upon which he is authorized to write insurance.

Sec. 15. It is further provided that until the general basis schedules herein provided for shall have been promulgated by the board and the specific rates thereunder made by the companies and approved by the board, that the board shall designate at what rates and under what rules and regulations insurance may be written within this State, and such rates, rules and regulations so designated shall govern all companies writing contracts or policies of fire insurance under the provisions of this act.

Sec. 16. The said board shall have authority, upon reasonable notice, not exceeding thirty days, of its intention to do so, to alter, amend or revise said general basis schedules promulgated by

it, or the specific rates approved or ordered by it, as herein provided, and to give reasonable notice of such alteration, amendment or revisions to the public or to any company or companies affected thereby. Such altered, amended or revised schedules or rates shall be the schedules or rates to be thereafter charged for insurance by any company in this State; provided, that the board may order changes to be made to meet unusual conditions in any particular locality, should such conditions exist or arise, by giving similar notice to the public or to any company affected thereby. Provided, the changes or amendments made to the general basis schedules shall apply only to policies of insurance written after the order of the board making such changes or amendments becomes effective. Provided further, that no policy existing prior to the taking effect of such changes or amendments to the general basis schedules shall be affected by such changes or amendments unless there shall be a change in the hazard of the risk necessitating a change in the rate applicable to such risk, in which event such policy shall be subject to the new rates applicable under the changed or amended general basis schedules.

Sec. 17. It shall be the duty of the State Insurance Board to make, promulgate and establish uniform policies of insurance applicable to the various risks of this State, copies of which uniform policies shall be furnished each company doing business in this State or which may hereafter do business in this State. That after such uniform policies shall have been established and promulgated and furnished the respective companies doing business in this State, such companies shall, within sixty days after the receipt of such forms of policies, adopt and use said form or forms and no other; and all companies which may commence business in this State after the adoption and promulgation of such forms of policies, shall adopt and use the same and no other forms of policies. The said Insurance Board shall also prescribe all standard forms, clauses and endorsements used on or in connection with insurance policies. All other forms, clauses and endorsements placed upon insurance policies shall be placed thereon subject to the disapproval of the board. Provided, no endorsement, clause or rider, so attached to or placed upon any such policy of insurance, shall void or in any way af-

fect such policy or any provision thereof until same shall have first been approved by said board. The board shall also have authority in its discretion to change, alter or amend such form or forms of policy or policies, and such clauses and endorsements used in connection therewith upon giving notice and proceeding in accordance with Section 19 of this act.

Sec. 18. It is provided that any citizen or number of citizens of this State, or any policy holder or policy holders, or any insurance company within this State, or any board of trade, chamber of commerce or other civic organization, or the civil authorities of any town, city or village, shall have the right to file a petition with the Insurance Board setting forth any cause of complaint that they may have as to any order made by this board, or any schedule promulgated by this board, or as to any specific rate approved by this board, and that they shall have the right to offer evidence in support of the allegations of such petition by witnesses, or by depositions or by affidavits; that upon the filing of such petition, the party complained of, if other than the board, shall be notified by the board of the filing of such petition and a copy thereof furnished the party or parties, company or companies, of whom complaint is made, and the said petition shall be set down for a hearing at a time not exceeding fifteen days after the filing of such petition and the board shall hear and determine said petition; but it shall not be necessary for the petitioners or any one of them to be present to present the cause to the board, but they shall consider the testimony of all witnesses, whether such witnesses testify in person or by deposition, or by affidavits, and if it be found that the complaint made in such petition is a just one, then the matters complained of shall be corrected or required to be corrected by said board.

Sec. 19. The State Insurance Board shall give the public and all insurance companies to be affected by its orders or decisions, reasonable notice thereof, not exceeding thirty days, and an opportunity to appear and be heard with respect to the same; which notice to the public shall be published in one or more daily papers of the State, and such notice to the insurance company or companies to be affected thereby shall be by letter deposited in the postoffice, addressed to the State or general agent of

such company or companies, if the address of such State or general agent be known to the board, or, if not known, then such letter shall be addressed to some local agent of such company or companies, or, if the address of a local agent be unknown to the board, then by publication in one or more of the daily papers of the State; and the board shall hear all protests or complaints from any insurance company or any citizen, or any city, town, or village, or any commercial or civic organization as to the inadequacy or unreasonableness of any rates fixed by it or approved by it, or as to the inadequacy or unreasonableness of any general basis schedules promulgated by it or the injustice of any order or decision by it; and if any insurance company, or other person, or commercial, or civic organization, or any city, town or village, which shall be interested in any such order or decision, shall be dissatisfied with any regulation, schedule or rate adopted by such board, such company or person, commercial or civic organization, city, town or village shall have the right, within thirty days after the making of such regulation or order, or rate, or schedule, to bring an action against said board in the district court of Travis county to have such regulation or order or schedule or rate vacated or modified; and shall set forth in a petition therefor the principal ground or grounds of objection to any or all of such regulations, schedules, rates or orders; in any such suit, the issue shall be formed and the controversy tried and determined as in other civil cases, and the court may set aside and vacate or annul any one or more or any part of any of the regulations, schedules, orders or rates promulgated or adopted by said board, which shall be found by the court to be unreasonable, unjust, excessive or inadequate, without disturbing others. No injunction, interlocutory order or decree suspending or restraining, directly or indirectly, the enforcement of any schedule, rate, order or regulation of said board shall be granted.

Provided, that in such suit the court, by interlocutory order, may authorize the writing and acceptance of fire insurance policies at any rate, which in the judgment of the court is fair and reasonable during the pending of such suit, upon condition that the party to such suit in whose favor the said interlocutory order of said court may be, shall execute and file with the Commissioner

of Insurance and Banking a good and sufficient bond to be first approved by said court, conditioned that the party giving said bond will abide the final judgment of said court and will pay to Commissioner of Insurance and Banking whatever difference, in the rate of insurance, it may be finally determined to exist between the rate as fixed by said board complained of in such suit, and the rate finally determined to be fair and reasonable by the courts in said suit; and the said Commissioner of Insurance and Banking, when he receives such difference in money, shall transmit the same to the parties entitled thereto.

Whenever any action shall be brought by any company under the provisions of this section within said period of thirty days, no penalties nor forfeitures shall attach or accrue on account of the failure of the plaintiff to comply with the orders, schedules, rates or regulations sought to be vacated or modified in such action until the final determination of the same.

Either party to any such action, if dissatisfied with the judgment or decree of said court, may appeal therefrom as in other civil cases. No action shall be brought in any court of the United States to set aside any orders, rates, schedules, or regulations made by said board under the provisions of this act until all of the remedies provided for herein shall have been exhausted by the party complaining.

If any insurance company affected by the provisions of this act shall violate any of the provisions of this section, the Commissioner of Insurance shall, by and with the consent of the Attorney General, cancel its certificate of authority to transact business in this State.

Sec. 20. No company shall engage or participate in the insuring or reinsuring of any property in this State against loss or damage by fire, except in compliance with the provisions of this act; nor shall any such company knowingly write insurance at any rate different from the rates provided for in this act, or refund, or remit, in any manner, or by any device, any portion of the rates so established, or extend to any insured or other person any privilege, advantage, favor or inducement except such as is specified in the general basis schedule prepared and established by said board; and pending the fixing and establishment of said schedules and rates by said board, no such company shall

refund or remit in any manner or by any device, any portion of the rates promulgated by the board under this act, or extend to any insured or other person any privileges, advantages, favors, or inducement not authorized by the orders of the board under this act. It shall be unlawful for any insurance company authorized under the terms of this act to transact business in this State to directly or indirectly, by any special rate, tariff, rebate, drawback or other device, charge, demand, collect or receive from any person or persons, a greater or less or different compensation for the insuring of any property in this State, than it charges, demands, collects or receives from any other person or persons for like insurance on risks of like kind and hazard under similar circumstances and conditions; nor shall any company, or its officers, directors, general agents, State agents, special agents, local agents, or its representatives, grant or contract for any special favor or advantage in the dividends or other profits to accrue thereon, or in commissions or division of commissions, or any position, or any valuable consideration, or any inducement not specified in the policy contract of insurance; nor shall such company give, sell or purchase, offer to give, sell or purchase, directly or indirectly, as an inducement to insure or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, partnership or individual, or any dividends or profits accrued or to accrue thereon or anything of value whatsoever, not specified in the policy; but nothing in this section or in this act shall be construed to prohibit the company from sharing its profits with its policy holders, provided that such agreement as to profit sharing shall be placed on or in the face of the policy, and such profit sharing shall be uniform and shall not discriminate between individuals or between classes; provided, however, that no part of the profit shall be paid until the expiration of the policy.

Any company, or any of its officers, directors, general agents, State agents, special agents, local agents or its representatives, doing any of the acts in this section prohibited, shall be deemed guilty of unjust discrimination; provided, the board, for good cause shown, may allow risks of like kind and hazard situated in any locality to be written temporarily at a different rate from

such risks similarly situated in other localities without subjecting the company so writing to the penalties hereinafter prescribed for discrimination.

Provided, however, that if any agent or company shall issue a policy without authority, and any policy holder holding such policy shall sustain a loss or damage thereunder, said company or companies shall be liable to the policy holder thereunder, in the same manner and to the same extent as if said company had been authorized to issue said policy, although the company issued said policy in violation of the provisions of this act. But this shall not be construed to give any company the right to issue any contract or policy of insurance other than as provided in this act.

Sec. 21. No person shall knowingly receive or accept from any insurance company or from any of its agents, sub-agents, brokers, solicitors, employees, intermediaries or representatives, or any other person, any rebate of premium payable on the policy or any special favor or advantage in the dividends or other financial profits accrued or to accrue thereon or any valuable consideration, position or inducement not specified in the policy of insurance, and any person so doing shall be guilty of a violation of the provisions of this section, and shall be punished by a fine of not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding ninety days, or by both such fine and imprisonment.

Sec. 22. The provisions of this law shall not deal with the collection of premiums, but each company shall be permitted to make such rules and regulations as it may deem just between the company, its agents and its policy holders; and no bona fide extension of credit shall be construed as a discrimination, or in violation of the provisions of this act.

Sec. 23. The Commissioner of Insurance, upon ascertaining that any insurance company or officer, agent or representative thereof has violated any of the provisions of this act, may, at his discretion, and with the consent and approval of the Attorney General, revoke the certificate of authority of such company, officer, agent or representative; but such revocation of any certificate shall in no manner affect the liability of such company, officer, agent or representative to the infliction of any other penalty provided by this act, and provided that any action, decision or determina-

tion of the Commissioner of Insurance and Banking and the Attorney General in such cases shall be subject to the review of the courts of this State as herein provided.

Sec. 24. Any insurance company affected by this act, or any officer or director thereof, or any agent or person acting for or employed by any insurance company, who, alone or in conjunction with any corporation, company or person, shall willfully do or cause to be done, or shall willfully suffer or permit to be done any act, matter or thing prohibited or declared to be unlawful by this act, or who shall willfully omit or fail to do any act, matter or thing required to be done by this act, or shall cause or willfully suffer or permit any act, matter or thing directed by this act not to be done, or who shall be guilty of any willful infraction of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars for each offense; provided, that if the offense for which any person shall be convicted, as aforesaid, shall be an unlawful discrimination, such person be punished by a fine not less than three hundred dollars, nor more than one thousand dollars or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment, for each offense; provided, that the punishment of imprisonment shall not apply to artificial persons; provided, however, that the obeying of any order of said board shall not be construed to be a discrimination and a company, officer, director, agent or employee thereof, shall not be guilty of discrimination for obeying any order of said board.

Sec. 25. No person shall be excused from giving testimony or producing evidence when legally called upon to do so at the trial of any other person or company charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence under this act, except for perjury in so testifying.

Sec. 26. This act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this

State and carried on by the members thereof solely for protection of their property, and not for profit; nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their property and not for profit.

Sec. 26a. This act shall go into effect and become operative from and after the first day of September, 1910, and not before.

Sec. 27. Chapter 18 of the General Laws of the Thirty-first Legislature, passed by its First Called Session and approved April 19, 1909, entitled "An Act providing the conditions upon which fire insurance companies shall transact business in this State; and providing for the regulation and control of rates of premiums on fire insurance and to prevent discriminations therein; and to create a fire insurance rating board; and to provide penalties for violation of this act, and declaring an emergency," and all other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 28. The fact that there is now no sufficient law in this State prohibiting unjust discriminations in the collection of fire insurance rates as between citizens of this State; nor protecting citizens in securing reasonable rates, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days to be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, August 15, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Hume.
Alexander.	Kauffman.
Brachfield.	Kellie.
Bryan.	Mayfield.
Cofe.	Meachum.
Greer.	Murray.
Harper.	Paulus.
Holsey.	Peeler.
Hudspeth.	Perkins.

Ratliff.	Terrell of Wise.
Real.	Ward.
Senter.	Watson.
Sturgeon.	Weinert.
Terrell of Bowie.	Willacy.
Terrell of McLennan.	

Absent.

Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions and memorials and committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 11, A bill to be entitled "An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled 'An Act authorizing any county in the State of Texas having a population in excess of fifty thousand inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency,' by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

Senate bill No. 21, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a

two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, On the night of August the 14th the brave, chivalrous and Christian gentleman, Hon. W. F. Robinson, mayor of the city of El Paso, and also Fireman Todd Ware, heroically sacrificed his life to rescue the lives of his firemen imperiled in a burning building; and

Whereas, W. F. Robinson was the noblest work of God—an honest man, a leading Democrat in Western Texas, and a man who stood with rigid determination for the enforcement of the law, the raising of the moral standard in his city and the upbuilding of his great city; therefore, be it

Resolved, That the Senate of Texas mourns with the city of El Paso in this hour of great and irreparable loss, and that a copy of this resolution be sent to the family of this martyred citizen, and also the city council of El Paso.

The above resolution was read and unanimously adopted.

Morning call concluded.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 34, A bill to be entitled "An Act making appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum, and to put them in safe working condition, providing the manner of expenditure of such appropriation, and declaring an emergency."

House bill No. 44, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 44, referred to Committee on Roads, Bridges and Ferries.

House bill No. 34, referred to Finance Committee.

(President Pro Tem. Alexander in the chair.)

HOUSE CONCURRENT RESOLUTION NO. 1.

The Chair laid before the Senate, as special order for this hour,

House Concurrent Resolution No. 1, Providing for the appointment of a committee to investigate certain charges made against the Regular and former Called Sessions of this Legislature.

The resolution was read and the Chair (Lieutenant Governor Davidson) called President Pro Tem. Alexander to the chair.

Senator Hume moved that the resolution be laid on the table subject to call.

Pending discussion, Senator Meachum made a point of order that the subject was not debatable.

The Chair (President Pro Tem. Alexander) sustained the point of order.

Senator Kellie moved the previous question on the pending motion, which motion was seconded.

Senator Meachum made the point of order that the motion to lay the resolution on the table subject to call would bring a direct vote on same.

The Chair (President Pro Tem, Alexander) sustained the point of order.

Action recurred on the motion to lay the resolution on the table subject to call, and the same was adopted by the following vote:

Yeas—18.

Adams.	Paulus.
Alexander.	Peeler.
Harper.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—11.

Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Absent.

Veale.

Senator Holsey moved that the Senate take up the House Concurrent Resolution No. 1.

Senator Meachum made a point of order on the motion that the Senate having voted on the motion to lay the resolution on the table, the same could not be taken up the same day.

The Chair sustained the point of order.

Senator Holsey then moved to suspend that rule, but same was overruled on a point of order.

(Lieutenant Governor Davidson in the chair.)

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 31, A bill to be entitled

"An Act making appropriations for repairing, improving and constructing a sewerage system, and for general repairs at the North Texas Hospital for the Insane, and declaring an emergency," with engrossed rider.

House bill No. 37, A bill to be entitled "An Act to amend Article 359, Chapter 4, Title 10, of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house, so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept for the purpose of sale as to require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as a retail malt liquor dealer."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 33, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled, or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from 'spiders,' exposed ends of bands, or any exposed or any obtruding part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and providing means of reimbursing him and his deputies for expenditures in performing such duties, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see two previous House messages for captions):

House bill No. 31, referred to Finance Committee.

House bill No. 37, referred to Judiciary Committee No. 2.

House bill No. 33, referred to Judiciary Committee No. 1.

HOUSE BILL NO. 41.

On motion of Senator Cofer, the pending order of business (Senate bill No. 17) was suspended, and the Senate took up out of its order House bill No. 41, by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Kauffman.	Veale.
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On motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kauffman.	Veale.
Terrell of McLennan.	

On motion of Senator Cofer, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 41, A bill to be entitled "An Act to amend Section 4, Article 5, of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the appointment and removal of officers and employees of said city, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third and final passage by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.

Absent.

Terrell of Bowie.	Veale.
Terrell of McLennan.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.

Terrell of Bowie.	Watson.
Terrell of Wise.	Weinert.
Ward.	Willacy.

Absent.

Terrell of McLennan. Veale.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 7.

On motion of Senator Sturgeon, the pending order of business (Senate bill No. 17) was suspended, and the Senate took up, out of its order, House bill No. 7 by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.

Nays—6.

Cofer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Ratliff.	Ward.

Absent.

Terrell of McLennan. Veale.

(Senator Hume in the chair.)

The Chair laid before the Senate, on second reading,

House bill No. 7, A bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums, and form of policies; and to prevent discrimination therein, and to create a State Insurance Board, and prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First

Called Session of the Thirty-first Legislature, and all other laws and parts of laws in conflict therewith, and declaring an emergency."

(Lieutenant Governor Davidson in the chair.)

On motion of Senator Sturgeon, the committee report, which provided that the bill be printed in the Journal, was adopted.

The question being on engrossment of the bill,

Senator Hudspeth offered the following amendment:

Amend by striking out all after the enacting clause and insert the following:

"Be it enacted by the Legislature of the State of Texas:

"Section 1. Every fire, marine, or fire and marine insurance company issuing policies of insurance on property in this State, whether organized under the laws of this State or any other State, Territory or possession of the United States, or foreign countries, or by authority of the Federal government, now holding certificate of authority to transact business in this State, or hereafter granted authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder, upon the condition that it consents to the terms and privileges of this act, and that it agrees to transact its business in this State subject thereto.

"Sec. 2. That there is hereby created a board to be known as the State Fire Rating Board, which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and two members to be appointed by the Governor. The members of said board, other than the Commissioner of Insurance and Banking, shall be appointed, as herein provided, within ten days after this act takes effect, for the term of one year, and biennially thereafter, and they each shall have had at least five years' practical experience in fire insurance business; they shall have the power to prescribe rates of insurance, to supervise and control rates of insurance, to decide all questions required, authorized or permitted to be passed upon by said board upon which they shall agree, and in case of disagreement as to any such question a decision of the Commissioner of Insurance and Banking shall determine the action of said board.

"Sec. 3. That the State Fire Rating Board is hereby authorized and empowered to call on any insurance company, or any officer, agent or representative thereof, authorized to transact business in this State under this act for any and all information relative to its business as often as deemed necessary by said board, and any company, officer agent or representative thereof failing to furnish such information when so called on shall be subject to the penalties provided for in Section — of this act.

"Sec. 4. That the members of the State Fire Rating Board, other than the Commissioner of Insurance and Banking, shall each receive as compensation for his service the sum of two thousand five hundred (\$2500) dollars per annum; the salaries of the members of said board and the compensation of the clerical force, and such other assistance as said board may deem proper to employ and all necessary traveling and other necessary expenses incurred by said board in carrying out the provisions of this act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer, upon the order of said board; provided, that the total amount of all salaries and expenses shall not exceed the sum of twenty-five thousand dollars during any one year after this act takes effect.

"Sec. 5. That every fire, marine, or fire and marine insurance company authorized to transact business in this State shall use as the basis schedules, schedules and tariffs in effect in this State and in each locality thereof on December 31, 1909, as a maximum rate, and upon notice from the State Fire Rating Board immediately file such general basis schedules and rates and when so filed shall be the basis from which specific rates shall be made, but it is specifically provided that the State Fire Rating Board shall have the power to revise, alter and amend all rates or general basis schedules, and the rates and general basis schedules so amended shall be the basis from which the maximum rate at which the said risks shall be written, until the same shall be changed by said board or by some judicial proceeding; and provided that the rates in effect December 31, 1909, on insurance in this State shall be the maximum rate at which insurance risks of like kind and character similarly situated shall be written until said board shall have approved the maximum rate as hereinbefore provided; and it shall be unlawful

for any company authorized to transact business in this State to charge a higher rate, but it is specially provided that any insurance company may write any risk at a lower rate than the maximum rates promulgated by said board for such risks.

"Sec. 6. That no change shall be made by any company increasing the premium rates in the general basis schedules, or rates which have been filed in compliance with the requirements of this act, and the said rates of the respective companies shall not be increased by penalizing the risks or otherwise, except after thirty days' notice to the secretary of said board, which notice shall plainly state the changes proposed to be made in the schedules thereunder in force and upon the respective property or risk, and the time when such changes will go into effect; provided, that same shall not go into effect until approved by said board; and such changes shall be shown by filing new schedules in force at the time; provided, that said board may, in its discretion, and for good cause shown, allow or direct changes to be made upon notice for a shorter period than that specified herein to meet the peculiarities and demands of local conditions; provided, also, that said board may order changes in the rates of premium to meet unusual or peculiar conditions in any particular locality by giving notice of its intention to do so as herein provided.

"Provided, that said board shall have the power, upon reasonable notice of its intention to do so, to direct any or all such insurance companies, or on its own motion, to alter, amend or revise, the general basis schedules, or the specific schedules of rates filed by any company and to publish notice of such alteration, amendment, or revision; provided, that nothing herein shall be considered to deny the right of any company to reduce its rates to conform with any lower rate established or authorized by said board applying to the same character of risks under similar circumstances and conditions.

"Sec. 7. That every insurance company authorized to transact business in this State shall, before placing the policy to be used by its agents to submit same to the Fire Rating Board, shall have the power to prohibit the use of any policy, provisions, forms, clauses, endorsements or amendments, and it shall be its duty to prescribe and ap-

prove all forms of fire insurance policies, which approval shall be printed in bold type on each and every used or placed policy by any and all companies doing a fire insurance business in Texas.

"Sec. 8. That the provisions of this law shall not deal with the collections of premiums, but each company shall be permitted to make such rules and regulations as it may deem just between the company and its agents, and no policy shall be declared void or in any way affected by any endorsement not authorized by said board.

"That the policies heretofore written containing clauses making said policies void for non-payment of premiums are hereby validated and held to be in full force and effect until the expiration or cancellation of the same.

"And it is further provided that all contracts of insurance written prior to January 1, 1910, shall not be affected by any law passed by General or Special Session of the Thirty-first Legislature, nor shall any provision of this law affect such contract, but it shall remain in full force and effect according to its stipulations as originally entered into, and that no endorsement or permit entered into or attached to or passed upon said policy at any time, shall in any way affect its validity.

"Sec. 9. That the Commissioner of Insurance and Banking, if he shall find that any insurance company, or any officer, agent or representative thereof, has violated any of the provisions of this act, or failed to comply with any orders of said board, may, at his discretion, and with the consent and approval of the Attorney General, revoke the certificate of authority of such company, officer, agent, or representative, to the infliction of any other penalty provided by this act, and provided that any action, decision, or determination of the Commissioner of Insurance and Banking, in such case, shall be subject to the review of the courts of this State, as herein provided.

"Sec. 10. That the State Fire Rating Board shall not make any regulations or orders without giving all the insurance companies concerned reasonable notice thereof, and an opportunity to appear to be heard with respect to same, and if any insurance company or other person, or commercial body or city, or municipality, which shall be interested in any such order, shall be dissatisfied with any regulation, or rate adopted by said board, such insurance

company, person, commercial body, city or municipality, or their representatives, shall have the right within thirty days after the making of such rates, regulation or order to bring an action against said board in the district court of Travis county, Texas, to have such rate, regulation or order vacated or modified, and shall set forth in the petition therein the particular ground or grounds of objection to any or all of such rates, regulations or orders. In any such suit the issue shall be formed and the controversy tried and determined as in other civil cases; and the court may modify, change, set aside, vacate or annul one or more or any part of any of the regulations, orders or rates adopted or fixed by said board which shall be found by the court to be unreasonable, unjust, excessive, or inadequate, to compensate the company writing insurance thereon for the risks assumed by it, without disturbing others. No injunction, interlocutory order or decree suspending or restraining directly, or indirectly, the enforcement of any order of said board, shall be granted, provided that the court may permit any company complaining of any order or regulation made by said board to write insurance at any rate, which obtained prior to the making of such order or regulation complained of upon condition that the difference between the rate affected by the order complained of, and the rate at which it is permitted to write insurance, shall be deposited with the Commissioner of Insurance and Banking, and upon the final determination of the suit shall be paid by him to the insurance company, if the court shall find it entitled to the same, or to the holders of policies written by said company after the rates so complained of is ordered as the court may deem just and equitable.

"Either party to any such action, if dissatisfied with the judgment of said court, may appeal therefrom as in other civil cases. No action shall be brought in any court of the United States to set aside any order made by said board under the provision of this act until all the remedies provided for herein shall have been exhausted by the party complaining.

"If any fire, marine, or fire and marine insurance company authorized to transact business in this State shall violate any of the provisions of this section, the Commissioner of Insurance and Banking shall by and with the consent

of the Attorney General cancel its certificate of authority to transact business in this State.

"Sec. 11. That no person shall be excused from giving testimony or producing evidence when legally called upon to do so at the trial of any other person charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence under the authority of this act, except for perjury in so testifying.

"Sec 12. That not later than after this act shall take effect, and annually thereafter, it shall be the duty of the Commissioner of Insurance and Banking, for the purpose of reimbursing the State for the amounts so expended during the current year in carrying out the provisions of this act, to collect from each fire, marine, and fire and marine insurance company, which transacted business in this State during the preceding calendar year or any portion thereof, the portion of said sum of twenty thousand dollars which the gross premium collected by such company during such year from persons or upon property in this State by all said insurance companies transacting business in this State. Provided, that in computing such gross premium receipts there shall be deducted therefrom the amount paid out for reinsurance and for the return premiums on canceled risks. If at the end of any year after this act shall take effect it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than twenty-five thousand dollars, the amount remaining unexpended shall be applied in the reduction of the amount to be collected from said companies for the succeeding year.

"The amount due under the provisions of this section by each company shall be certified by the Commissioner of Insurance and Banking, and he shall revoke the certificate of authority of any company which shall fail to pay the same within thirty days after the receipt of such certificate. Provided, that the collections from said insurance companies provided for in this section shall not be made for any year during which any such company shall be liable under the laws of this State to the

payment of an occupation tax at a rate of not less than 2½ per cent of the gross premium received, less deduction for reinsurance and return premiums on canceled risks.

"Sec. 13. That this act shall not apply to mutual fire insurance companies incorporated under the laws of this State nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

"Provided, that no person, persons, firm or association of persons shall be permitted to solicit, write or transact a fire insurance business in any city, town or county, except those places that are situated in the county in which it maintains its home office, and in which the said person or persons or firm is organized, except where said person or persons, firm or corporation of persons shall file with the Department of Insurance a bond with two or more good and sufficient sureties in the sum of \$10,000, made payable to the Governor of this State and for the benefit of the persons holding policies issued by them. But it is specially provided that no bond or security shall be required from such person, persons, firm or association that confines its business to one county.

"And it is further provided that any person, firm or association of persons guilty of violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than \$100 nor more than \$1000.

"Sec. 14. That whenever the said board shall reduce any rate and such rate so reduced shall affect the unearned premium on pre-existing contracts of insurance, which shall be written after this act takes effect, such unearned premiums shall be entitled to such reduction and any company having outstanding such pre-existing contracts shall reduce the unearned portion of the premium in such contracts on a pro rata basis for the time that shall elapse between the date such reduction takes effect and the date of expiration of such pre-existing policy contracts.

"Sec. 15. And it is provided further that if any fire, marine, or fire and marine insurance company authorized to transact business under this act, or any ruling of the Fire Insurance Rating Board under this act, shall write any insurance under any schedule or schedules except that provided for in this

act, in this State or in any locality thereof, such insurance company shall forfeit its certificate of authority to transact business in this State, and the Commissioner of Insurance shall at once so declare. And it is further provided that, should any insurance company authorized to transact a fire insurance business in this State, cease to do business in this State, or cancel its policy of insurance and remove from this State on account of any law enacted by the Legislature of this State, then this shall work a forfeiture of the right of said insurance company to again re-enter this State, and the Commissioner of Insurance shall not issue a certificate of authority to said company or companies to again transact a business of fire insurance in this State."

Pending the reading of the above amendment, Senator Harper moved that the further reading of the amendment be dispensed with, and

Senator Meachum moved to table the motion.

The motion to table prevailed by the following vote:

Yeas—15.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofe.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Ward.

Absent.

Veale.

(Senator Mayfield in the chair.)

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 35, A bill to be entitled

"An Act to require the erection and maintenance of buildings for the protection from rain, wind, and inclement weather of employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and repealing the act of the Thirty-first (31st) Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of such railroad company,' approved 17th day of March, 1909."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Senator Mayfield) had referred, after its caption had been read, the following House bill:

House bill No. 35, referred to Committee on Internal Improvements.

HOUSE BILL NO. 7.

Action recurred on House bill No. 7.

RECESS.

At the conclusion of the reading of the amendment to House bill No. 7, Senator Hudspeth moved that the Senate recess until 2 o'clock today.

The motion prevailed by the following vote, the yeas and nays being called for:

Yeas—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—11.

Alexander.	Perkins.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofe.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Absent.

Greer.
Ratliff.

Veale.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Alexander, and, on motion of Senator Perkins, a recess of fifteen minutes was taken.

At 2:30 o'clock the Senate was again called to order by President Pro Tem. Alexander.

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 38, A bill to be entitled "An Act denouncing as a nuisance any place, room or building in any county, justice precinct, town, city or subdivision of a county as may be designated by the commissioners court of said county in which the sale of intoxicating liquors have been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquor in violation of law; also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose, and the tools, appliances and furniture used therewith, prescribing a suitable procedure for the search and seizure of any such liquor, tools appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein; also to prevent by means of the writ of injunction at the suit of the State or any citizen thereof, the use or the contemplated use, or threatened use, of any such place, room or building, or the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith, for any such illegal purpose, and declaring an emergency."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILL READ AND REFERRED:

The Chair (President Pro Tem. Alexander) had referred, after its caption had been read, the following House bill:

House bill No. 38, referred to Judiciary Committee No. 1.

On motion of Senator Peeler, the Senate was at ease until 3 o'clock.

At 3 o'clock the Senate was called to order by Lieutenant Governor Davidson.

RECESS.

Senator Watson moved that the Senate recess for thirty minutes.

The motion was adopted by the following vote:

Yeas—16.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Harper.	Perkins.
Hudspeth.	Real.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.

Nays—8.

Cofer.	Ratliff.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Mayfield.	Terrell of Wise.

Absent.

Brachfield.	Terrell of McLennan.
Paulus.	Veale.
Senter.	Willacy.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

MEMORIAL SERVICES POSTPONED.

On motion of Senator Harper, the hour for memorial services in memory of the late Senator Stokes was postponed until Tuesday evening at 8 o'clock p. m.

HOUSE BILL NO. 7.

Action recurred on House bill No. 7, the question being on the amendment by Senator Hudspeth.

The amendment was adopted.

Senator Hudspeth moved that the bill be considered section by section.

Senator Sturgeon moved, as a substitute, that the bill be considered as a whole.

The substitute motion was lost, and the original motion prevailed.
(Senator Hume in the chair.)

SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency," with amendments.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

HOUSE BILL NO. 7.

Action recurred on House bill No. 7, Section 1 being read.

No amendments.

There being no amendments to Section 1, Section 2 was read, and there was no amendments.

Section 2 was adopted on motion of Senator Hudspeth.

Section 3.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill, line 30, page 2, by adding after the word "Section" the word "15."

Section 4.

Senator Senter offered the following amendment:

Amend the bill, Section 4, page 3, lines 1 and 2, by substituting the words and figures "three thousand dollars" for the words "two thousand five hundred dollars."

The amendment was read, and Senator Holsey moved to table the amendment, which motion prevailed by the following vote:

Yeas—15.

Alexander.
Brachfield.
Bryan.
Cofer.

Greer.
Harper.
Holsey.
Mayfield.

Perkins.
Ratliff.
Sturgeon.
Terrell of Bowie.

Terrell of McLennan.
Terrell of Wise.
Ward.

Nays—12.

Adams.
Hudspeth.
Hume.
Kauffman.
Kellie.
Meachum.

Murray.
Paulus.
Peeler.
Senter.
Watson.
Weinert.

Absent.

Real.
Veale.

Willacy.

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend Section 4 by adding thereto the following: "Provided the Commissioner of Insurance and Banking shall be paid the sum of five hundred dollars as compensation for his services in connection with said Fire Rating Board."

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the bill by adding to Section 4 the following: "And the sum of \$25,000 is hereby appropriated out of the general fund not otherwise appropriated, for the payment of the warrants drawn under this act."

Section 5.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill, Section 5, page 3, line 27, by inserting after the word "provided" the following: "On any property on which there was no prevailing rate on December 31, 1909, the same rates shall be applied to such property as is in force on similar property in the same community, or to the rate on risks similarly conditioned in other communities of this State."

**HARPER,
SENER.**

Senator Hudspeth offered the following amendment:

Amend the bill by adding after the word "risks" at the end of Section 5, line 31, page 3, the following: "And, provided further, that any precinct, town or city in this State shall show a net income to insurance companies of 25 per cent above premium loss in each year for three years prior to the taking effect of this act; that said Board shall

never raise or permit the raising of the rates, in said precinct, town or city above the maximum rate or local tariff in effect on December 31, 1909."

The amendment was lost by the following vote:

Yeas—13.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Meachum.	Watson.
Murray.	

Nays—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.

Absent.

Veale.	Willacy.
Weinert.	

Senator Alexander offered the following amendment, which was read and adopted:

Amend Section 5, line 13, page 3, by inserting after the word "effect" the words "or prevailing rates in effect."

Section 6—No amendments.

Section 7.

Senator Bryan offered the following amendment to Section 7:

Amend the bill by adding at end of Section 7 the following: "Provided, no policy shall be written requiring the insured to carry part of the insurance."

Pending.

Senator Sturgeon moved the previous question on the amendment. The motion was duly seconded.

The Senate refused to order same by the following vote:

Yeas—7.

Cofer.	Sturgeon.
Greer.	Terrell of Wise.
Harper.	Ward.
Ratliff.	

Nays—21.

Adams.	Kauffman.
Alexander.	Kellie.
Brachfield.	Mayfield.
Bryan.	Meachum.
Holsey.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.

Perkins.	Terrell of McLennan.
Real.	Watson.
Senter.	Weinert.
Terrell of Bowie.	

Absent.

Veale.	Willacy.
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Senator Hudspeth offered the following substitute for Senator Bryan's amendment:

Amend the bill by adding at the end of Section 7 the following: "Provided, that no insurance company shall ever be permitted to charge any insurer in this State a higher rate on a part of insurance taken out by said insurer than the said insurance company would charge should the insurer take out the insurance on the full amount of said policy."

Pending.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 7, "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910; for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency."

Senate bill No. 11, "An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled 'An Act authorizing any county in the State of Texas having a population in excess of fifty thousand inhabitants by the last preceding United States Census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency,' by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the

right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

House bill No. 41, "An Act to amend Section 4, Article 5, of Chapter 33. Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the appointment and removal of officers and employes of said city, and declaring an emergency."

ADJOURNMENT.

Senator Meachum moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Terrell of Bowie moved, as a substitute, that the Senate recess until 8 o'clock tonight.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow morning prevailed by the following vote:

Yeas—15.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Ward.

Absent.

Veale.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Terrell of Wise:

Resolution adopted by the Wise County Baptist Association, in session at

Boyd, Texas, August 12, 1910, and ordered sent to our Representative, Senator and the Governor of Texas.

In view of the apparently unavoidable delay in legislation looking to State-wide prohibition, be it

Resolved by the Wise County Baptist Association, now in session, that we hereby endorse the recent recommendations of Governor Campbell to the Legislature with reference to the liquor in Texas.

Resolved further, that a copy of these resolutions be furnished to the Representative and Senator from Wise county.

H. F. HAWKINS, Moderator.

J. W. BAILEY, Clerk.

By Senator Terrell of Wise:

Ringgold, Texas, August —, 1910.

To the Honorable Senate and House of Representatives, Austin, Texas.

Gentlemen: Believing that the State should maintain control of fire insurance rates and that the existing statute, known as the Fire Rating Board law, is based upon principles of equity and justice and will eventually work the greatest good to the greatest number, we, the undersigned citizens and insurers of Montague county, respectfully petition your honorable body not to repeal the existing law, but to perfect the same by such amendments as may be necessary. We favor the amendment of the law to the end that no schedules or rates filed by the insurance companies shall become effective until approved by the Fire Rating Board, and that the Board shall have authority over all forms and clauses used by the companies in writing fire insurance in Texas.

Numerously signed.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

House bill No. 34, A bill to be entitled "An Act making an appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum, and to put them in safe working condition, providing the manner of the expenditure of such appropriation, and declaring an emergency,"

Have had the same under consideration and desire to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WILLACY, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

House bill No. 31, A bill to be entitled "An Act making appropriations for repairing, improving and constructing a sewerage system, and for general repairs at the North Texas Hospital for the Insane, and creating an emergency,"

Have had the same under consideration, and desire to report it back to the Senate with the recommendation that it do pass, and be not printed.

WILLACY, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 41, A bill to be entitled "An Act to amend Section 4, Article 5, of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the appointment and removal of officers and employees of said city, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

SETER, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 44, A bill to be entitled "An Act to amend Sections 6 and 7, of

Chapter 69, of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the Special Road Law of Van Zandt count, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th day of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

GREER, Chairman.

Committee Room.

Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 37, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

HARPER, Chairman.

Following is the bill in full:

H. B. No. 37. By Looney and Vaughan.

A BILL

To Be Entitled

An Act to amend Article 359, Chapter 4, Title 10 of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept for the purpose of sale as require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as retail malt liquor dealer.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 359, Chapter 4, Title 10 of the Penal Code of the State of Texas, as amended by Chapter 132, Acts of the Thirtieth Legislature,

be and the same is hereby amended so as to hereafter read as follows:

"Article 359. A bawdy house is one kept for prostitution or where prostitutes are permitted to resort or reside for the purpose of plying their vocation. A disorderly house is any assignation house or any theater, playhouse or house where spirituous, vinous or malt liquors are kept for sale, and prostitutes, lewd women or women of bad reputation for chastity are employed, kept in service or permitted to display or conduct themselves in a lewd, lascivious or indecent manner, or to which persons resort for the purpose of smoking or in any manner using opium, or any house in which spirituous, vinous or malt liquors are sold or kept for sale without first having obtained a license under the laws of this State to retail such liquors; or any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been prohibited under the laws of this State, in which such non-intoxicating malt liquor is sold or kept for the purpose of sale as requires the seller thereof to obtain internal revenue license under the laws of the United States as a retail malt liquor dealer, or any house located in any county, justice precinct or other subdivision of a county in which the sale of intoxicating liquor has been legally prohibited, where the owner, proprietor or lessee thereof has posted license issued by the United States of America, authorizing such owner, proprietor or lessee thereof to pursue the occupation and business of a retail liquor dealer or a retail malt liquor dealer. An assignation house is a house, room or place where men and women meet by mutual appointment, or by appointment made by another for the purpose of sexual intercourse, whether at such place vinous, spirituous or malt liquors are kept for sale or are used or not."

Sec. 2. The fact that there is no adequate remedy to suppress disorderly houses where non-intoxicating malt liquor is sold in local option territory creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate bill No. 7, and find it correctly enrolled, and have this day, at 11:56 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to provide for the retirement of certain bonds of the State of Texas maturing on the first day of July, 1909, and the first day of September, 1910; providing for the issuance and sale of other State bonds at the lower rate of interest for the purpose of retiring and redeeming said outstanding bonds; providing for the execution and sale of such other bonds; repealing Chapter 20, General Laws of the Second Called Session of the Thirty-first Legislature; making an appropriation to carry this act into effect, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Governor of the State is hereby authorized to have lithographed one hundred and thirty-five coupon bonds of the State of Texas of the denomination of ten thousand dollars (\$10,000) each, and one coupon bond of the State of Texas of the denomination of three thousand seven hundred (\$3700) dollars, aggregating one million three hundred fifty-three thousand seven hundred (\$1,353,700) dollars. Said bonds shall be designated "State of Texas Refunding Bonds issue of 1910." They shall be numbered from one (1) to one hundred thirty-six (136), inclusive; they shall be dated September 1, 1910, and shall become due and payable forty (40) years from that date, but the State shall reserve an option of redeeming them at any time after twenty (20) years from that date. They shall bear interest at the rate of three (3) per cent per annum, payable semi-annually on the first day of January and July each year, evidenced by coupons attached. The form of such bonds and coupons shall be prepared by the Attorney General. The bonds shall be signed by the Governor and the Treasurer of the State of Texas, and countersigned and registered by the Comptroller, and shall have the seal of Texas affixed thereto. The facsimile signatures of the Governor and the Treasurer shall be lithographed on the coupons. The principal and interest of said bonds shall be payable upon presentation of bonds or proper coupons in lawful money of the United States at the office

of Treasurer of the State of Texas at Austin, Texas.

Sec. 2. The bonds herein provided for are authorized for the purpose of redeeming and cancelling State bonds outstanding to the amount of one million three hundred fifty-three thousand seven hundred (\$1,353,700) dollars, of which seven hundred ninety-nine thousand three hundred (\$799,300) dollars is held by the State Permanent School Fund; two hundred seventeen thousand two hundred (\$217,200) dollars by the Permanent State University Fund; twenty-four thousand three hundred (\$24,300) dollars by the Permanent Orphan Home Fund; twenty-nine thousand five hundred (\$29,500) dollars by the Permanent Blind Asylum Fund; forty-six thousand six hundred (\$46,000) dollars by the Permanent Deaf and Dumb Asylum Fund; sixty-two thousand eight hundred (\$62,800) dollars by the Permanent Lunatic Asylum Fund; and one hundred seventy-four thousand (\$174,000) dollars by the Permanent Agricultural and Mechanical College Fund, which bonds mature on the first day of July, 1909, and the first day of September, 1910, and were issued under an act of the Legislature of the State of Texas, approved August 5, 1870, entitled "An Act providing for the issuance and sale of the bonds of the State of Texas for the purpose of meeting the appropriations made for maintaining the ranging companies on the frontiers," and an act of the Legislature of the State of Texas approved April 21, 1870, entitled "An Act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the State and supplying a deficiency in the revenue and to provide the mode and manner of sale of said bonds."

Sec. 3. The Governor and State Treasurer shall sell the bonds herein provided for and with the proceeds thereof shall redeem the outstanding bonds of the State referred to in Section 2 of this act; provided, that said bonds shall not be sold for less than par and accrued interest; and, provided further, that the State Board of Education shall have an option of ten days in which to purchase said bonds; provided, that the Board of Education will pay the price offered for such bonds by the best bona fide bidder.

Sec. 4. There shall be appropriated and set aside in the State Treasury at each biennial session of the Legislature an amount equal to two (2) per cent per annum of the bonds herein provided for for the purpose of creating a sink-

ing fund with which said bonds shall be redeemed.

Sec. 5. Chapter 20 of the General Laws of the Second Called Session of the Thirty-first Legislature is hereby repealed.

Sec. 6. The sum of one hundred (\$100) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the expense of lithographing the bonds provided for in this act, and any other expenses necessary in carrying out the provisions thereof.

Sec. 7. The large number of bills now before the Legislature for its consideration creates an emergency and imperative public necessity exists that the rule requiring bills to be read on three several days be suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 19, have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass with the following amendments:

(1) Amend the caption by striking out the words "Article 411ppp and 411qqq, Title 11, Chapter 64, Penal Code of the State of Texas," and insert in lieu thereof the following: "Chapter 160 of the General Laws of the State of Texas passed by the Twenty-ninth Legislature, pages 379, 380 and 381" of the session acts.

(2) Amend line 1, Section 1 of the bill by striking out the words, "Article 411ppp and 411qqq, Title 11, Chapter 6e, Penal Code of the State of Texas," and insert in lieu thereof the following words: "Chapter 160 of the General Laws of the State of Texas passed by the Twenty-ninth Legislature."

(3) Amend the bill, line 5, Section 1, by striking out the words "411ppp" and insert in lieu thereof the words "Section 1."

(4) Amend the bill, page 1, on next to the last line of said page, between the words "been" and "prohibited" by inserting the following words, "or may hereafter be."

(5) Amend the bill on page 2, line 10, between the words "been" and "pro-

hibited" by inserting the following words, "or may hereafter be."

(6) Amend the bill on page 2, line 28, by striking out the words, "Article 411qqq" and inserting in lieu thereof the words, "Section 2."

(7) Amend the bill on the last line of page 2, between the words "been" and "prohibited" by inserting the following words, "or may hereafter be."

(8) Amend the bill at the end of Section 2 by inserting the following section:

"Section 3. This act shall not repeal any of the laws prohibiting the sale of intoxicating liquors in any county, justice precinct, school district, city or town, or subdivision of a county, nor shall it be construed to legalize any sale of intoxicating liquors that would not have been legal had this act not been passed."

(9) Amend the bill, page 2, line 20, by inserting the words, "by any officer of the law" after the word "inspection."

(10) Amend the bill, page 3, line 13, by striking out the words, "the public," and inserting in lieu thereof the following words, "by any officer of the law."

And change other numbered sections in accordance therewith. We further recommend that the bill be not printed, but be printed in the Journal.

HARPER, Chairman.

Following is the bill in full:

H. B. No. 19. By Brownlee and Tarver.

A BILL

To Be Entitled

An Act to amend Article 411ppp and 411qqq, Title 11, Chapter 6c, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transportation of intoxicating liquors into any county, justice precinct, school district, city or town, or subdivision of a county within this State, where the sale of intoxicating liquors has been prohibited under the laws of this State, providing that where any such intoxicating liquor is not called for and taken away and the charges thereon, if any, paid by the consignee, it shall be started in transit back to the consignor within seven days from the time of its arrival at its destination; prescribing that a book, to be open for public inspection, shall be kept in which shall be entered the transactions pertaining to the re-

ceipt, shipment and transportation and delivery of such intoxicating liquors: and fixing penalties for the violations of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 411ppp and 411qqq, Title 11, Chapter 6c, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas, and approved April 18, 1905, shall hereafter read as follows:

"Article 411ppp. Each and every person in this State, who shall place or have placed any package or parcel, of whatever nature, containing any intoxicating liquor, with any express company, railroad company, or other common carrier, for shipment or transportation to any point in any county, justice precinct, school district, city or town, or subdivision of a county within this State, where the sale of intoxicating liquors has been prohibited under the laws of this State, shall first place in a conspicuous place, in plain letters, on such package or parcel the words, "intoxicating liquor," the character and quantity of such intoxicating liquor, the place from where shipped, the place of destination and the names of the consignor and the consignee; and no express company, railroad company, or other common carrier, or any agent thereof, in this State, shall accept or receive from any person, firm or corporation for shipment or transportation, to any such point where the sale of intoxicating liquors has been prohibited, under the laws of this State, any such package or parcel, unless the same shall have been labeled in the manner and form as hereinbefore, in this section, required, and no express company, railroad company, or other common carrier, or any agent thereof, in this State, shall deliver such package or parcel to any other than the consignee in person. Any agent of such express company, railroad company, or other common carrier having the custody of any book or books required by this act of such express company, railroad company, or other common carrier, to be kept, shall at the request of any person, at any reasonable time or during office hours produce such book or books for inspection. Any agent of any express company, railroad company or other common carrier, or any other person who shall violate any of the provisions of this section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be

fined in any sum not less than \$25 nor more than \$100, and shall be punished by imprisonment in the county jail for any term not less than twenty nor more than sixty days.

"Article 411qq. When any express company, railroad company or other common carrier within this State shall receive any package or parcel of whatever nature, whether from a point within or without this State, containing any intoxicating liquor, for transportation to any point within any county, justice precinct, school district, city or town, or subdivision of a county where the sale of intoxicating liquors has been prohibited under the laws of this State, such express company, railroad company or other common carrier shall forthwith transport such intoxicating liquor to the place of its destination, and upon the arrival of same at its place of destination there shall be entered in a book to be kept for that purpose the names of the consignor and the consignee, the exact time of the arrival of such package or parcel at the place of its destination, the place from where shipped, the quantity and character of such intoxicating liquor, as shown on such package or parcel, the exact time delivered to the consignee, if delivered, and the signature of such consignee, who shall sign in person for same before delivery thereof, and such book shall be open at all reasonable hours for the inspection of the public. If such package or parcel be not called for and taken away by the consignee and all charges thereon, if any, paid by such consignee, it shall be the duty of such express company, railroad company or other common carrier to start such package or parcel in transit back to the consignor thereof within seven days from the time of its arrival at the place of its destination, and the consignor shall be liable to such express company, railroad company or other common carrier for the express or freight charges in transportation and returning same. Any express company, railroad company or other common carrier violating any of the provisions of this chapter shall be liable to a penalty of \$100 for each infraction thereof, to be recovered in the name of the State of Texas in any court of competent jurisdiction in any county where such express company, railroad company, or other common carriers have an office or an agent or a line of railway; and each day that such intoxicating liquor shall be kept at the place of its destination after the expiration of seven days

from the time of its arrival, shall be deemed a separate infraction."

Sec. 2. The fact that there is now no adequate law requiring express companies, railroad companies or other common carriers to keep a book containing the transaction pertaining to the receipt, shipment and transportation and delivery of intoxicating liquor into prohibition territory, to be open to public inspection, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 38, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

MEACHUM, Chairman.

Following is the bill in full:

H. B. No. 38. By Looney and Vaughan.

A BILL

To Be Entitled

An Act denouncing as a nuisance any place, room or building in any county, justice precinct, town, city or such subdivision of a county as may be designated by the commissioners court of said county, in which the sale of intoxicating liquors has been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquor in violation of law, also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose and the tools, appliances and furniture used therewith, prescribing a suitable procedure for the search and seizure of any such liquor, tools, appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein, also to prevent by means of the writ of injunction at the suit of the State or any citizen thereof, the use or the contemplated use, or threatened use of any such place, room or building or the keeping of any such intoxicating liquor and the tools, appliances and

furniture used therewith, for any such illegal purpose, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any place, room or building in any county, justice precinct, town, city, or such subdivision of the county as may be designated by the commissioners court of said county in which the sale of intoxicating liquor has been prohibited under the laws of this State, kept, maintained or used for the purpose of selling intoxicating liquor in violation of law, and any intoxicating liquor kept or possessed for such purpose, whether kept or possessed in any such place, room or building or elsewhere, and any signs, screens, bars, bottles, glasses and any other furniture, tools, appliances or other articles or things used as aids in keeping and maintaining any such place, room or building, or any such liquor are each and all hereby declared to be a common nuisance.

Sec. 2. Upon affidavit being made by any credible person of the county where the proceeding is begun, before the county judge or a justice of the peace of said county, describing the place, room or building, as near as may be, where it is believed by the affiant that intoxicating liquor is being sold in violation of law, or is being kept or possessed for the purpose of being sold in violation of law, or shall name or describe, if the name is unknown, any person who has, keeps or possesses any intoxicating liquor for the purpose of sale in violation of law, or has, keeps or possesses any signs, screens, bars, bottles, glasses, furniture, tools, appliances or other articles or things, describing them, as near as may be, for the purpose of using such articles in the sale or in any manner as an aid to the unlawful sale of intoxicating liquor, then and in either event it shall be the duty of such county judge or justice of the peace, as the case may be, to issue a warrant, commanding the sheriff or any constable of the county, to immediately search such place, room or building, describing the same, as near as may be, or such person giving name or description, and it shall be the duty of said officer to whom said warrant is delivered by the county judge or justice of the peace to immediately search such place, room or building, or such person, and if refused admission into any such place, room or building, then and in such event the officer executing such warrant

shall be and is hereby authorized to force an entrance to any such place, room or building, using such force as may be necessary for that purpose, and he shall search for and seize the intoxicating liquor described in such warrant, which may be found in such place, room or building, or in the possession or under the control of such person named or described in said warrant, that is being kept or possessed for the purpose of being sold in violation of law and shall also seize all signs, screens, bars, bottles, glasses, furniture, tools, appliances or other articles or things which may have been described in said warrant as being used in keeping or maintaining such place, or used in any manner as an aid to the unlawful sale of intoxicating liquor; and after seizure he shall make an accurate inventory of everything seized, stating therein the reasonable market value of each item, and shall securely keep the same until replevied or otherwise disposed of under the provisions of this act.

Sec. 3. The search warrant above provided for shall, in substance, conform to the following requisites: It shall run in the name of the State of Texas and be directed to the sheriff or any constable of the county; it shall name the owner of the intoxicating liquor to be seized, if his name shall be known; it shall command him to search the place, room, premises, building, or any part thereof, or the person named in the complaint, and shall specify as near as may be the things to be searched for and seized and the owner thereof, when known, if not the same shall allege that the owner is unknown, and shall be signed officially by the magistrate issuing the same; provided, an immaterial variance between the complaint and warrant shall not render the latter void.

Sec. 4. At any time before the trial of the issues as provided herein, the owner of said property seized, or any part thereof, or the person in whose possession or under whose control the same was at the time of seizure, may replevy the same by giving bond with two or more good and sufficient sureties, or a solvent guaranty or surety company, chartered or authorized to do business under the laws of this State, to be approved by the officer making the seizure, or his successor in office, payable to the State of Texas, in an amount equal to the reasonable market value of the property replevied, as fixed on the inventory; conditioned that should said prop-

erty in said action be condemned as a nuisance, the obligors in such bond will pay to the State of Texas the reasonable cash market value of the property replevied at the time it was seized, and all costs, including 15 per cent addition on said amount as a fee to the county or district attorney who discharges such duty for the State, and 10 per cent on the amount thereof for the sheriff or constable.

Sec. 5. The officer executing said warrant shall, within fifteen days, make due return thereof to the county judge or the justice of the peace issuing the same, and when a seizure has been made thereunder he shall, within five days after said seizure, make said return, showing therein a list of the intoxicating liquor and other articles seized, the reasonable market value thereof, as fixed by him, and the replevy bond or bonds, if any given, and if not replevied, the name and residence of owner or owners of any such property seized and replevied, and if no one is known to be the owner, then the name or names and residence of the person, firm or corporation in whose possession or under whose control said liquor or other property was when seized; on return being made to said county judge or justice of the peace, he shall file said cause in the district court of said county; provided further, when two or more replevy bonds are given or where there are two or more owners or claimants to the property, or parts thereof seized, urging distinct and separate claims, then and in such event each case shall be filed and docketed separately in the district court of said county, and in such event said county judge or justice of the peace shall make and certify to as many copies of the original papers as there are cases, all of which shall be considered and treated as originals. The clerk of the district court of said county when said cause is filed shall docket the same in the name of the State of Texas, as plaintiff, and the principal in the replevy bond, and if not replevied the name of the owner or person found in possession as defendant.

Sec. 6. The clerk of the district court of said county shall immediately issue notice, which shall be served upon the defendant in the manner required for service of citation in civil suits; provided the defendant shall be required to answer, if served, ten days before the first day of the return term, excluding the day of service and return; and provided further, the defendant shall have

the right to expedite a trial of the issue by waiving service and time; said cause if tried by a jury shall be submitted on a special issue, which shall be in substance whether or not the intoxicating liquors and other property seized constituted a nuisance within the meaning of this act when seized. If no jury has been demanded by either side, then said issue shall be determined by the court. Said cause shall have precedence over all other cases except cases of like kind or cases to which the State is a party; the same shall be tried and prosecuted under the rules of evidence, practice and procedure, and in all other respects as other civil cases; and in case of appeal the transcript shall, without delay, be made up and forwarded by the clerk to the proper appellate court; provided, that the State shall not be required to pay or give security for costs, nor bond on appeal, and the same shall be perfected by notice thereof given in open court.

Sec. 7. The notice provided for in this act shall briefly recite the record upon which it is based; provided, that any immaterial variance between the writ and former proceedings will not be fatal thereto. It shall require the defendant to show cause by a day named, why the liquor and other articles seized should not be declared a nuisance; but the burden of proof shall be upon the State to show by a preponderance of the evidence that the allegations of the complaint are substantially true.

Sec. 8. The property when not replevied shall remain in the custody of the officer seizing or in that of his successor in office until final judgment, subject to such orders for the preservation of same as the judge of the district court of said county may make, either in term time or vacation as shall appear to be to the best interest of all parties concerned; provided, that the defendant in said suit may replevy the property at any time prior to final trial.

Sec. 9. Should the State prevail in the suit, the court shall enter a judgment condemning the property seized to be destroyed and against the defendant for all costs, and shall issue a proper writ directing the sheriff or any constable of the county to execute the same. The said writ shall conform in all material respects to the writ of execution, except that it shall command said officer, in addition to making levy sufficient to collect the amount of costs, to destroy said property in the manner

most suited to its nature. If the property, prior to the entry of said judgment, has been replevied, then judgment shall be entered against the principal and the sureties on such bond for an amount equal to the reasonable cash market value of the property at the time the same was seized, including 15 per cent thereof as attorney's fees and 10 per cent fee to the sheriff or constable, and the judgment, when collected, less the costs, shall be paid in to the county treasurer, and shall become a part of the jury fund of the county. Should the defendant prevail, judgment shall be entered restoring said property seized, to the defendant or discharging the principal and sureties on the replevy bond, as the case may be.

Sec. 10. It shall be the duty of the county attorney to represent the State in said cases and in all counties where there is a district attorney he shall assist the county attorney in the prosecution of all such suits. In all cases where the State recovers judgment there shall be taxed against the defendant as costs the usual fees allowed in civil cases, in addition to 15 per cent of the value of the property for the county or district attorney's fees, and 10 per cent of the value thereof for the sheriff and constable, which fees and costs shall not be accounted for by said officers under any provisions of law relating to fees of office; provided, however, that the State shall in no event be liable for or be required to pay any costs. Where the county attorney represents the State he shall be entitled to the fee of 15 per cent above provided, and where he is assisted in said civil case by the district attorney said fee shall be equally divided between them.

Sec. 11. The actual, threatened or contemplated use of any place, room, premises, building or part thereof, in any county, justice precinct, town, city or subdivision of a county, as may be designated by the commissioners court of said county, in which the sale of intoxicating liquors has been prohibited under the laws of this State, for the purpose of selling intoxicating liquor in violation of law, or in which to keep, store or deposit any intoxicating liquor for the purpose of being sold in violation of law, or the possession of or having under control or management at any such place, or any intoxicating liquor for the purpose and with the intent to sell the same in violation of

law, shall be enjoined at the suit of the State or of any citizen thereof.

Sec. 12. Any person, company, corporation or association of persons who may so use, or be about to use, or who may aid or assist in any such actual or threatened use of such place, room, premises, building or part thereof, or any person who may have, possess or manage for any such purpose any intoxicating liquor, or who may aid or assist another in thus possessing, having or maintaining or managing intoxicating liquor for such purpose, may be made a party defendant to such suit.

Sec. 13. The Attorney General and the several district and county attorneys shall institute and prosecute all such injunction suits that the said Attorney General or district or county attorney may deem necessary; provided, that such suit may be brought and prosecuted by any one of said officers; and, provided further, that nothing contained herein shall prevent said injunction from issuing at the suit of any citizen of this State who may sue in his own name, and any such citizen shall not be required to show that he is personally injured by reason of the matters and things of which he complains.

Sec. 14. The procedure in all cases brought hereunder shall be the same as in other suits for injunction, or where injunction is sought as near as may be; provided, that where the suit is brought in the name of the State by any of the officers aforesaid, the petition therefor need not be verified, nor shall the State be required to pay or give security for costs or on appeal, and appeal by the State shall be perfected by giving notice thereof in open court, and all such cases shall have precedence on the docket of all courts where pending.

Sec. 15. In any proceeding under the provisions of this act, evidence of the general reputation of the house, place, building, premises or part thereof, or of the business, occupation or pursuit of the defendant involved, may be admitted in evidence as tending to prove the allegations of the complaint; provided, that in any investigation no person shall be exempt from giving testimony therein, but the testimony given by a witness shall not be used against him in any criminal action or proceeding nor shall any criminal action or proceeding be brought against such witness on account of any testimony so given by him.

Sec. 16. The insufficiency of the laws

of this State to prevent the violation of local option laws, and the fact that this session of the Legislature will end by law in a few days, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, August 16, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present. the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Kauffman. Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for committee reports.)

EXCUSED.

On account of important business:

Senator Veale for yesterday, today and tomorrow, on motion of Senator Sturgeon.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, House bill No. 15, known as the day light bill, and which provides

for the closing of saloons from 7 o'clock p. m. to 7 o'clock a. m., passed the House of Representatives by almost a two-thirds vote and was read in the Senate and referred to Judiciary Committee No. 2; and

Whereas, Said Judiciary Committee No. 2 has refused to consider said House bill but has postponed consideration of same until 11:59 a. m. August 18, 1910, a time beyond adjournment of the present session of the Legislature; and

Whereas, Such action of said committee is tantamount to a refusal to permit the Senate to act upon said House bill and can have no other meaning but that these Senators and those standing with them on anti-saloon legislation are opposed to the day light bill and favor saloons remaining open at night; and

Whereas, It is nothing but fair and just to the other branches of the Legislature to have its bill on so important a subject reported out to the Senate for our respectful consideration and hearing and this bill should not be smothered to death in committee, especially as those taking this unseemingly action pretend to favor the night closing law; therefore, be it

Resolved by the Senate, That Judiciary Committee No. 2 be directed to forthwith report said House bill to the Senate by 12 o'clock m. August 16, 1910, so that the Senators of the Texas Senate may go upon record as favoring or opposing the night closing of saloons.

COFER,
STURGEON,
TERRELL of Wise,
BRACHFIELD,
TERRELL of Bowie,
BRYAN,
MAYFIELD,
HOLSEY,
RATLIFF,
WARD,
ALEXANDER,
PERKINS,
GREER.

The resolution was read and Senator Cofer moved the adoption of same, and upon that motion moved the previous question. The previous question being duly seconded was so ordered.

The motion to adopt the resolution was lost by the following vote:

Yeas—13.

Alexander.	Greer.
Brachfield.	Holsey.
Bryan.	Mayfield.
Cofer.	Perkins.

Ratliff.
Sturgeon.
Terrell of Bowie.

Terrell of Wise.
Ward.

Nays—15.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

Morning call concluded.

HOUSE BILL NO. 7.

The Chair laid before the Senate on second reading and pending business,

House bill No. 7, A bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums and forms of policies; and to prevent discrimination therein, and to create a State Insurance Board, and prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violation of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature and all other laws and parts of laws in conflict therewith, and declaring an emergency."

There being an amendment and a substitute for the amendment pending, Senator Bryan withdrew the amendment and the substitute became the amendment.

Here Senator Holsey moved to take up House Concurrent Resolution No. 1, which was on the table subject to call.

(President Pro Tem. Alexander was called to the chair.)

Senator Watson moved to table the motion to take up House Concurrent Resolution No. 1.

Senator Holsey desired to speak to the motion and Senator Watson made a point of order that a motion to table was not debatable, and President Pro Tem. Alexander sustained the point of order.

Senator Holsey then desired to speak

to a question of personal privilege, and the Chair (President Pro Tem. Alexander) held that Senator Holsey would have a right to the floor after the vote on the motion to table had been taken.

Senator Terrell of Wise made a point of order that the resolution being on the table subject to call did not require a motion to call it up, but could be called up without a motion. The Chair stating that Senator Holsey had a right to make the motion he did if he so desired.

Action recurred on the motion to table the motion to take up House Concurrent Resolution No. 1, and the motion to table prevailed by the following vote:

Yeas—19.

Adams.	Peeler.
Alexander.	Perkins.
Harper.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—10.

Brachfield.	Mayfield.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.

Absent—Excused.

Veale.

Senator Holsey then called up House Concurrent Resolution No. 1, which was on the table subject to call.

Senator Watson made the point of order that the matter of taking up House Concurrent Resolution No. 1 had just been voted on, and rejected, and could not be under the rules of the Senate, considered again on this day, quoting Rule 42 of the Rules of the Senate.

The Chair (President Pro Tem. Alexander) held that the vote by which the motion to take up the resolution having been tabled, would preclude further action on same for today, therefore sustaining the point of order.

HOUSE BILL NO. 7.

Action recurred on the pending business, the question being on the amendment by Senator Hudspeth (see Journal of yesterday for amendment).

Senator Meachum moved the previous question on the amendment and Section

7 of the bill, which motion being duly seconded, and was so ordered.

The amendment by Senator Hudspeth was adopted by the following vote:

Yeas—19.

Adams.	Peeler.
Bryan.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Terrell of Bowie.
Kauffman.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—10.

Alexander.	Mayfield.
Brachfield.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.

Absent—Excused.

Veale.

Consideration of Section 7 was passed.

Senator Hudspeth moved to rescind the action of the Senate on yesterday by which a motion was adopted to consider the bill by sections, and that the bill be considered as a whole.

The motion prevailed.

Here Senator Holsey arose to a question of personal privilege. Pending the discussion several points of order were made, contending that the Senator should confine himself to a question of personal privilege, etc.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 23, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquor has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

House bill No. 9, A bill to be entitled

"An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading, at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading, and non-negotiable or straight bills of lading, and prescribing certain requirements for all bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; providing for the division of all bills of lading into three series and defining each series; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets, except as prescribed in the terms of this act; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bill of lading under certain conditions; prescribing certain duties of general freight agents, or persons authorized to act for them and certain duties of local station agents or carriers, and providing for the making and preservation of copies of all bills of lading, subject to the inspection of interested parties, and providing for the certification of all signatures to all bills of lading by the general freight agents of carriers, or persons authorized to act for them; prescribing that carriers shall maintain an authorized agents at all places recognized by the Federal government as ports of entry, whose duties shall be the same as those prescribed for general freight agents in this act; prescribing certain duties for ship agents, charters and owners of vessels; prescribing and defining the duties and liabilities of carriers with reference to the consignee named in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that

the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading, under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody and legal possession or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with references to issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

Respectfully,
BOB BARKER,
 Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Alexander) had referred, after their captions had been read, the following bills:

House bill No. 9, referred to Committee on Internal Improvements.

House bill No. 23, referred to Judiciary Committee No. 2.

HOUSE BILL NO. 7.

Action recurred on House bill No. 7.

Senator Ratliff offered the following amendment, which was read and adopted:

Amend Section 7, page 4, line 28, by striking out the word "to" after the word "agents," and by inserting the words "and said board" between the words "board" and "shall."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 5, page 3, the following: "Provided further, that all 'key' rates heretofore proposed by insurance companies shall be prohibited by said Fire Rating Board."

**HUDSPETH,
 PEELER.**

(Lieutenant Governor Davidson in the chair.)

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 2, Section 2, line 15, by striking out after the word "effect" the following: "for the term of one year and biennially thereafter," and insert in lieu thereof the following: "And shall hold their offices until February 1, 1911, and shall thereafter be appointed biennially."

**WATSON,
 PEELER,
 MEACHUM,
 WEINERT,
 ADAMS.**

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill, page 9, Section 15, by striking out all of Section 15 after the word "declare" in line 20.

**WATSON,
 MURRAY.**

Senator Alexander offered the following amendment, which was read:

Amend the bill as substituted by striking out all of Section 13 after the word "profit" in line 18, page 8.

**ALEXANDER,
 KAUFFMAN.**

Senator Brachfield offered the following as a substitute for the above amendment:

Amend the bill by striking out all of Section 13 and inserting in lieu thereof the following:

"This act shall not apply to mutual fire insurance companies incorporated under the laws of this State nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

"Provided, that no person, persons, firm or association of persons representing any mutual fire insurance company doing business on a joint liability plan shall be permitted to solicit, write or transact a fire insurance business in any city, town or county, except those places that are situated in the county in which it maintains its home office, and in which the said company is organized, except where the home office of said company has filed with the Department of Insurance a bond with two or more good and sufficient sureties in the sum of \$10,000, payable to the Governor and his successors in office, and

approved by the Commissioner of Insurance, conditioned that they will pay back to the holders of their policy the unearned premium and hold such holders or owners of said policy free from further liability on said policy.

"And it is further provided that any person, firm or association of persons guilty of violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than \$100 nor more than \$1000."

HUDSPETH,
BRACHFIELD,
STURGEON.

The substitute for the amendment was adopted.

The amendment, as substituted, was then adopted.

Senator Hume offered the following amendment:

Amend the bill by striking out the enacting clause.

The amendment was laid on the table subject to call.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by striking out Section 14 and insert in lieu thereof the following:

"Section 14. Any provision in any policy of insurance issued stating that if at the time of the issuance of the policy the property is encumbered by a lien of any character or shall thereafter become encumbered by a lien of any character shall be unlawful and null and void, and insurance companies licensed to do business in this State shall be and they are hereby prohibited from inserting any such clause in any policy."

HARPER,
MEACHUM.

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend by adding after the word "Texas," page 5, line 1, the following: "Provided no policy shall be permitted by said board that repeals or in any way affects Article 3089 of the Revised Statutes."

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by inserting the following sections at the end of the bill:

"Section 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

"Section 17. Whenever there is no adequate law protecting the insuring public from grossly excessive charges, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

HARPER,
WARD.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the caption by adding thereto the following: "And to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty."

HUDSPETH,
BRACHFIELD.

Senator Sturgeon offered the following amendment, which was read and adopted:

Amend the bill in Section 8, at the end of said section by adding thereto the words, "relative to said premiums."

Senator Hume offered the following amendment:

Amend the bill by striking out the caption.

HUME,
TERRELL of Wise,
KELLIE.

On motion of Senator Terrell of Bowie the amendment was tabled.

Senator Harper offered the following amendment:

Amend the bill by striking out all of the caption below "A bill to be entitled" and insert the following: "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in

carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

**HARPER,
HUDSPETH.**

Senator Meachum moved the previous question on the amendment and the engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment by Senator Harper was adopted.

The bill was read second time and passed to a third reading by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Ward.
Hudspeth.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—7.

Hume.	Real.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Murray.	

Absent.

Willacy.

Absent—Excused.

Veale.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Ward.
Hudspeth.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—7.

Hume.	Real.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Murray.	

Absent—Excused.

Veale.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 17.

The Chair laid before the Senate, as regular order,

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

The question being on the engrossment of the bill.

Senator Terrell of Bowie moved the

previous question on the engrossment of the bill, which motion being duly seconded and was so ordered by the following vote:

Yeas—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

The bill was read second time and ordered engrossed by the following vote:

Yeas—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

Senator Cofer moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—15.

Alexander.	Bryan.
Brachfield.	Cofer.

Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Perkins.	Ward.
Ratliff.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

REFUSED TO SUSPEND PENDING BUSINESS.

Senator Terrell of Bowie moved that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, Senate bill No. 14.

Senator Hudspeth moved as a substitute that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, Senate bill No. 9.

Action recurred on the substitute motion first, and the same prevailed by the following vote:

Yeas—15.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

Nays—13.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Absent.

Willacy.

Absent—Excused.

Veale.

Action then recurred on the motion, as substituted, and the same was lost by the following vote, a two-thirds vote being necessary:

carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

HARPER,
HUDSPETH.

Senator Meachum moved the previous question on the amendment and the engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment by Senator Harper was adopted.

The bill was read second time and passed to a third reading by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Ward.
Hudspeth.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—7.

Hume.	Real.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Murray.	

Absent.

Willacy.

Absent—Excused.

Veale.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Ward.
Hudspeth.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—7.

Hume.	Real.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Murray.	

Absent—Excused.

Veale.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 17.

The Chair laid before the Senate, as regular order,

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

The question being on the engrossment of the bill.

Senator Terrell of Bowie moved the

previous question on the engrossment of the bill, which motion being duly seconded and was so ordered by the following vote:

Yeas—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

The bill was read second time and ordered engrossed by the following vote:

Yeas—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

Senator Cofer moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—15.

Alexander.	Bryan.
Brachfield.	Cofer.

Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Perkins.	Ward.
Ratliff.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

REFUSED TO SUSPEND PENDING BUSINESS.

Senator Terrell of Bowie moved that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, Senate bill No. 14.

Senator Hudspeth moved as a substitute that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, Senate bill No. 9.

Action recurred on the substitute motion first, and the same prevailed by the following vote:

Yeas—15.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

Nays—13.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Absent.

Willacy.

Absent—Excused.

Veale.

Action then recurred on the motion, as substituted, and the same was lost by the following vote, a two-thirds vote being necessary:

Yeas—16.

Adams.	Murray.
Alexander.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.

Nays—12.

Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Mayfield.	Ward.

Absent.

Willacy.

Absent—Excused.

Veale.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That the Governor be and is hereby requested to return Senate bill No. 21 for correction.

The resolution was read and adopted.

RECESS.

Senator Meachum moved that the Senate recess until 2:30 o'clock today.

Senator Terrell of Bowie moved, as a substitute, that the Senate adjourn until 2:30 o'clock today.

Action recurred on the substitute motion first, and the same was lost by the following vote:

Yeas—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Ward.

Nays—15.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent—Excused.

Veale.

The motion to recess until 2:30 o'clock today then prevailed by the following vote:

Yeas—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—13.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Absent—Excused.

Veale.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 44.

On motion of Senator Greer, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 44 by the following vote:

Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Hudspeth.	Paulus.
Hume.	Real.
Kellie.	Terrell of McLennan.
Murray.	Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 44, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the Special Road Law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th day of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

On motion of Senator Greer, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hudspeth. Willacy.
Terrell of McLennan.

Absent—Excused.

Veale.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum..
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hume.	Real.
Kauffman.	Sturgeon.

Terrell of Wise.
Ward.

Watson.
Weinert.

Absent.

Hudspeth. Terrell of McLennan.
Senter. Willacy.
Terrell of Bowie.

Absent—Excused.

Veale.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 29.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 2 by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Greer. Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on third reading,

House bill No. 29, A bill to be entitled "An Act to amend an act 'entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' passed by the Thirty-first Legislature and approved March 19, 1909; said act to be amended by adding after Article 13 of the same Article 13a, restricting the location or maintenance of any places where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail, to certain streets in said city."

The bill was read third time and passed.

SENATE CONCURRENT RESOLUTION NO. 5.

Senator Sturgeon here offered the following resolution:

Senate Concurrent Resolution No. 5: Resolved by the Senate, That the Governor be requested to return Senate bill No. 21, the House concurring therein, for correction.

The resolution was read and adopted.

HOUSE BILL NO. 37.

The Chair laid before the Senate, on second reading,

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

On motion of Senator Meachum, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 37 by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofor.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Paulus.

Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 37, A bill to be entitled "An Act to amend Article 359, Chapter 4, Title 10 of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept for the purpose of sale as require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as retail malt liquor dealer."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to concur in Senate amendments to House bill No. 7 and request the appointment of a Free Conference Committee. The following have been appointed on part of the House: Messrs. Baker of Hood, Terrell of Bexar, Caves, Gilmore and Crawford.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 7.

Senator Brachfield moved that the Senate grant the request of the House for a Free Conference Committee.

The motion prevailed, and the Chair appointed the following as the committee: Senators Hudspeth, Alexander, Brachfield, Weinert and Terrell of Bowie.

HOUSE BILL NO. 37.

Action recurred on House bill No. 37. On motion of Senator Meachum, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Harper.	Willacy.
Hudspeth.	

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—27.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.
Kellie.	Terrell of Bowie.

Terrell of McLennan. Watson.
Terrell of Wise. Weinert.
Ward.

Absent.

Hudspeth.	Willacy.
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Absent—Excused.

Veale.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 33.

Senator Kauffman moved that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, House bill No. 33.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—17.

Adams.	Mayfield.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	

Nays—10.

Hume.	Sturgeon.
Kellie.	Terrell of Wise.
Meachum.	Ward.
Murray.	Watson.
Ratliff.	Weinert.

Absent.

Harper.	Willacy.
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Absent—Excused.

Veale.

HOUSE BILL NO. 31.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 31 by the following vote:

Yeas—23.

Adams.	Greer.
Alexander.	Holsey.
Brachfield.	Hume.
Bryan.	Kauffman.
Cofer.	Kellie.

Mayfield.	Senter.
Murray.	Sturgeon.
Paulus.	Terrell of Wise.
Peeler.	Ward.
Perkins.	Watson.
Ratliff.	Weinert.
Real.	

Absent.

Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Meachum.	Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 31, A bill to be entitled "An Act making appropriations for repairing, improving and constructing a sewerage system, and for general repairs at the North Texas Hospital for the Insane, and declaring an emergency."

On motion of Senator Holsey, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

Senator Holsey moved the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Alexander.	Hudspeth.
Brachfield.	Kellie.

Absent—Excused.

Veale.

The bill was read a third time, and passed by the following vote:

Yeas—24.

Adams.	Greer.
Alexander.	Harper.
Bryan.	Holsey.
Cofer.	Kauffman.

Kellie.	Senter.
Mayfield.	Sturgeon.
Meachum.	Terrell of McLennan.
Murray.	Terrell of Wise.
Paulus.	Ward.
Peeler.	Watson.
Ratliff.	Weinert.
Real.	Willacy.

Absent.

Brachfield.	Perkins.
Hudspeth.	Terrell of Bowie.
Hume.	

Absent—Excused.

Veale.

Senator Holsey moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate Concurrent Resolution No. 4,
Requesting the Governor to return Senate bill No. 21 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 34.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 34 by the following vote:

Yeas—24.

Adams.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hume.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Alexander.	Terrell of Bowie.
Brachfield.	Weinert.
Hudspeth.	

Absent—Excused.
Veale.

The Chair, laid before the Senate, on second reading,

House bill No. 34, A bill to be entitled "An Act making an appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum, and to put them in safe working condition, providing the manner of the expenditure of such appropriation, and declaring an emergency."

On motion of Senator Peeler, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hume.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Alexander.	Terrell of Bowie.
Brachfield.	Terrell of Wise.
Hudspeth.	Weinert.

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—22.

Adams.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hume.	Sturgeon.
Kellie.	Terrell of McLennan.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Alexander.	Brachfield.
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Hudspeth.	Terrell of Wise.
Kauffman.	Weinert.
Terrell of Bowie.	

Absent—Excused.

Veale.

MESSAGE FROM THE GOVERNOR.

Executive Office,
 State of Texas.

Austin, August 16, 1910.

To the Senate:

Complying with Concurrent Resolution No. 4, I have the honor to return herewith for correction Senate bill No. 21, entitled "An Act to authorize and empower Lamar county, or any political subdivision or said county, by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county or subdivision thereof voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting, etc., said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

Very respectfully,
 T. M. CAMPBELL,
 Governor of Texas.

REPORT WITHDRAWN.

Senator Terrell of McLennan, Chairman of Committee on Enrolled Bills, moved to withdraw the report on "Enrolled Bills on Senate bill No. 21," said report having been filed today.

The motion prevailed.

HOUSE BILL NO. 19.

On motion of Senator Meachum, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 19 by the following vote:

Yeas—22.

Adams.	Cofer.
Bryan.	Greer.

Harper.	Perkins.
Holsey.	Ratliff.
Hume.	Real.
Kellie.	Senter.
Mayfield.	Sturgeon.
Meachum.	Terrell of McLennan.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Willacy.

Absent.

Alexander.	Terrell of Bowie.
Brachfield.	Terrell of Wise.
Hudspeth.	Weinert.
Kauffman.	

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 19, A bill to be entitled "An Act to amend Article 41lppp and 41lqqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of the State of Texas and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transportation of intoxicating liquors into any county, justice precinct, school district, city or town, or subdivision or a county within this State where the sale of intoxicating liquors has been prohibited under the laws of this State, providing that where any such intoxicating liquor is not called for and taken away, and the charges thereon, if any, paid by the consignee, it shall be started in transit back to the consignor within seven days from the time of its arrival at its destination; prescribing that a book, to be open for public inspection, shall be kept in which shall be entered the transactions pertaining to the receipt, shipment and transportation and delivery of such intoxicating liquors; and fixing penalties for the violations of this act, and declaring an emergency."

Senator Meachum moved to adopt the committee report, which reported the bill favorably, with amendments, that the bill be not printed, but printed in the Journal.

The committee report was adopted.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 20, by inserting after the words "any officer of the law" the words "or any member of the grand jury."

MEACHUM,
HARPER.

Bill read second time, and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Alexander.	Kauffman.
Brachfield.	Terrell of Bowie.
Hudspeth.	Weinert.

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—23.

Adams.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Alexander.	Kauffman.
Brachfield.	Terrell of Bowie.
Hudspeth.	Weinert.

Absent—Excused.

Veale.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

Senator Meachum moved that the Senate recess until 8 o'clock p. m. this evening.

Senator Terrell of McLennan moved that the Senate adjourn until 4 o'clock p. m. Tuesday, August 16, 1910.

Action being on the longest time first, the motion to recess until 8 o'clock p. m. today was adopted by the following vote:

Yeas—15.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kaufman.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.

Absent—Excused.

Veale.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 42, A bill to be entitled "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; imposing occupation tax upon persons, firms, corporations and associations of persons selling such liquors in such territory; requiring such persons, before selling such liquors, to procure a license, and providing the terms and conditions upon which such license may be issued; requiring such persons desiring to sell such liquors in such territory to execute bonds, and prescribing the conditions of such bonds;

providing that no such person shall sell such liquors except upon the prescription of a regular practicing physician, and what such prescriptions shall contain before such sale is made; and providing that persons selling such liquors shall make and file with the county attorney or county clerk certain reports, and shall so file all prescriptions filled by them, and providing that physicians issuing such prescriptions shall make certain reports of all prescriptions issued by them, and providing for their filing such reports and duplicates of all prescriptions issued by them with the county attorney; and providing for the forfeiture of the license of such physician for failing to file such reports or for filing false reports or for writing such prescriptions when patient not sick; providing for the revocation, under certain conditions, of all such license to sell liquor in such territory; and providing penalties for the violation of the provisions of this act, and declaring an emergency."

Also concur in Senate amendments to House bill No. 19 by the following vote:
Yeas, 92; nays, 13.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:
House bill No. 42, referred to Judiciary Committee No. 2.

MEMORIAL SERVICES.

The Chair (Lieutenant Governor Davidson) stated that the hour had arrived for the Senate to hold memorial services in memory of the late Senator Stokes, the time having been previously designated by motion made and adopted by the Senate.

Senators Greer, Cofer, Willacy, Murray, Holsey, Adams, Ward and Representative Ben F. Looney spoke of the exemplary life and character of Senator Stokes; of his splendid record as a member of the Legislature; his loyalty and fidelity to his friends and the people he represented, and the good example he set for the rising generation.

Senator Meachum moved that the Senate recess until 10 o'clock tomorrow morning.

Senator Cofer moved, as a substitute, that the Senate adjourn until tomorrow morning at 9:30 o'clock.

Action being on the longest time first, the motion to recess until 10 o'clock tomorrow prevailed by the following vote:

Yeas—17.

Adams.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—12.

Alexander.	Holsey.
Brachfield.	Mayfield.
Bryan.	Perkins.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.

Absent—Excused.

Veale.

AFTER RECESS.

The Senate was called to order pursuant to recess, Lieutenant Governor Davidson presiding.

SENATE BILL NO. 20—HOUSE
AMENDMENTS CONCUR.
RED IN.

Senator Bryan called up

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency."

With the following House amendments:

(1)

Amend Senate bill No. 20 by inserting at the end of Section 1 the following words: "For Secretary of State's office, the sum of seventy-five (\$75) dollars, or so much thereof as may be necessary for the purpose of preparing for publication the laws passed by the Third Called Session of the Thirty-first Legislature; and sixty-one thousand five hundred and eighty-two (\$61,582.50) and fifty one-hundredth dollars for the pur-

pose of paying the interest due and unpaid up to September 1, 1910, upon one million fifty-five thousand and seven hundred (\$1,055,700) dollars of bonds of the State of Texas refunded by this Called Session of the Thirty-first Legislature."

(2)

Amend the caption to correspond with this amendment.

Senator Bryan moved that the Senate concur in the above House amendments, the motion being adopted by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Hume.	Terrell of McLennan.
Terrell of Bowie.	Terrell of Wise.

Absent—Excused.

Veale.

Senator Bryan moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 42.

On motion of Senator Greer, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 42, by the following vote:

Yeas—29.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.

Terrell of Bowie. Watson.
 Terrell of McLennan. Weinert.
 Terrell of Wise. Willacy.
 Ward.

Absent—Excused.

Veale.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hudspeth. Terrell of Bowie.

Absent—Excused.

Veale.

On motion of Senator Greer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hudspeth. Terrell of Bowie.

Absent—Excused.

Veale.

On motion of Senator Greer, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 42, A bill to be entitled "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medical purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory, and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license for a longer or shorter period than one year; cancelling all such licenses now in force, and providing for refund of unearned portions of all cancelled licenses, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hudspeth.

Absent—Excused.

Veale.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Holsey.
Alexander.	Hume.
Brachfield.	Kauffman.
Bryan.	Kellie.
Cofer.	Mayfield.
Greer.	Meachum.
Harper.	Murray.

Paulus.	Terrell of Bowie.
Peeler.	Terrell of McLennan.
Perkins.	Terrell of Wise.
Ratliff.	Ward.
Real.	Watson.
Senter.	Weinert.
Sturgeon.	Willacy.

Absent.

Hudspeth.

Absent—Excused.

Veale.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 33—REFUSED TO TAKE UP.

Senator Kauffman moved that the pending order of business (Senate bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 33.

The motion was lost by the following vote (a two-thirds vote being necessary):

Yeas—17.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Kauffman.	

Nays—11.

Greer.	Terrell of Wise.
Hume.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Ratliff.	Willacy.
Sturgeon.	

Absent.

Terrell of McLennan.

Absent—Excused.

Veale.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 32, A bill to be entitled "An Act to authorize the Secretary of State in his discretion to require an affidavit of incorporation before filing charter, and declaring an emergency."

House bill No. 43, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether capable of producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house; providing a penalty for the violation of this act, and declaring an emergency," with engrossed rider.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 32, referred to Committee on Internal Improvements.

House bill No. 43, referred to Judiciary Committee No. 2.

HOUSE BILL NO. 35.

Senator Senter moved that the pending order of business (Senate bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 35.

The motion prevailed by the following vote (a two-thirds vote being necessary):

Yeas—19.

Adams.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Weinert.
Paulus.	

Nays—6.

Hume.	Terrell of Wise.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Alexander.	Hudspeth.
Brachfield.	Terrell of Bowie.

Absent—Excused.

Veale.

Senator Hume made a point of order that the bill could not be considered at this time in view of the fact that the committee recommended that the bill be printed in the Journal and same was in the hands of the printer.

The Chair overruled the point of order.

Pending discussion, however, the Chair held that the original bill would have to be before the Senate.

Senator Senter moved that the Senate be at ease for ten minutes.

Senator Watson moved, as a substitute, that the Senate recess until 2 o'clock today.

Action being on the substitute motion first, the same was lost by the following vote:

Yeas—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—16.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Mayfield.	Ward.

Absent—Excused.

Veale.

The motion to stand at ease for ten minutes then prevailed.

The Senate was again called to order by Lieutenant Governor Davidson.

RECESS.

Senator Meachum moved that the Senate recess until 3 o'clock today.

Senator Harper made a point of order on the motion that no business had been transacted since a like motion had been voted on.

The Chair overruled the point of order.

The motion to recess prevailed by the following vote:

Yeas—16.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—13.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	

Absent—Excused.

Veale.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

REFUSE TO RECEIVE COMMITTEE REPORT.

Senator Harper asked unanimous consent to offer a committee report on House bill No. 23, and Senator Watson objected to receiving the report.

AT EASE.

Senator Murray moved that the Senate be at ease subject to the call of the Chair, and

Senator Watson moved, as a substitute, that the Senate recess until 8 o'clock tonight.

The motion to recess was lost by the following vote:

Yeas—9.

Adams.	Peeler.
Kellie.	Real.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Kauffman.	

Absent.

Hudspeth. Terrell of Bowie.
Hume. Willacy.
Mayfield.

Absent—Excused.

Veale.

IN SESSION.

The Senate was called to order by
Lieutenant Governor Davidson.

HOUSE BILL NO. 38.

On motion of Senator Harper the
pending order of business (Senate bill
No. 5) was suspended, and the Senate
took up, out of its order, House bill No.
38, by the following vote:

Yeas—23.

Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—2.

Adams.	Senter.
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Absent.

Brachfield.	Mayfield.
Holsey.	Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on
second reading,

House bill No. 38, A bill to be entitled
"An Act denouncing as a nuisance any
place, room or building in any county,
justice precinct, town, city or subdivi-
sion of a county as may be designated
by the commissioners court of said coun-
ty in which the sale of intoxicating
liquors have been prohibited under the
laws of this State, kept or used for the
purpose of selling intoxicating liquor in
violation of law, also denouncing as a
nuisance any intoxicating liquor kept,
possessed or used for such purpose, and
the tools, appliances and furniture used
therewith, prescribing a suitable pro-

cedure for the search and seizure of any
such liquor, tools, appliances and furni-
ture, for the trial of the issue presented.
the judgment to be rendered therein:
also to prevent by means of the writ of
injunction at the suit of the State or
any citizen thereof, the use or the con-
templated use, or threatened use, of any
such place, room or building, or the
keeping of any such intoxicating liquor
and the tools, appliances and furniture
used therewith, for any such illegal pur-
pose, and declaring an emergency."

The committee report, which provided
that the bill do pass and be not printed,
was adopted, on motion of Senator Har-
per.

The bill was read second time and
passed to a third reading by the follow-
ing vote:

Yeas—19.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Meachum.	Ward.
Peeler.	

Nays—8.

Adams.	Murray.
Hume.	Paulus.
Kauffman.	Watson.
Kellie.	Weinert.

Absent.

Mayfield.	Willacy.
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Absent—Excused.

Veale.

On motion of Senator Harper the con-
stitutional rule requiring bills to be
read on three several days was sus-
pended and the bill put on its third
reading and final passage by the follow-
ing vote:

Yeas—22.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Meachum.	Ward.
Paulus.	Weinert.

Nays—5.

Adams. Murray.
Hume. Watson.
Kauffman.

Absent.

Mayfield. Willacy.

Absent—Excused.

Veale.

The bill was read third time and passed.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 7—FREE CONFERENCE COMMITTEE REPORT ON.

Senator Hudspeth presented the following Free Conference Committee report:

Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee to consider House bill No. 7, same being a bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums, and forms of policies; and to prevent discrimination therein, and create a State Insurance Board, prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, and all other laws and parts of laws in conflict therewith, and declaring an emergency," have had same under consideration, and recommend back to the House and Senate, as follows:

First. That the Senate recede from its amendments and that House bill No. 7 be amended as follows:

Amend Section 2 by striking out the word "August" wherever it occurs and insert in lieu thereof the word "February."

Amend Section 4, line 5, by inserting after the word "determining" and before the word "specific" the word "maximum."

Amend Section 11, line 15, by inserting after the word "proper" and before the word "specific" the word "maximum."

Amend Section 13, line 17, after the word "rates" and before the word "provided" by inserting the following: "which rate shall be the maximum insurance rates that may be charged for insurance in this State. Provided, further, that any company may write insurance at a lower rate than the maximum on any or all classes of risks in any particular locality but shall file a statement of such reduced rate or rates with the board, but the board shall not take into consideration such reduction in any rate in determining any future maximum rates. Any company making any reduction shall file a statement of such reduction with the board."

Amend Section 13, paragraph 2, line 1, by inserting after the word "the" and before the word "specific" the word "maximum," and in line 4 of the same paragraph, after the word "such" and before the word "specific" insert the word "maximum," and in line 7, after the word "such" and before the word "specific" insert the word "maximum," and in line 13, after the word "the" and before the word "specific" insert the word "maximum," and in line 14, after the word "such" and before the word "rates" insert the word "maximum," and in line 18, after the word "the" and before the word "specific" insert the word "maximum," and in line 20, after the word "the" and before the word "specific" insert the word "maximum," and in lines 30 and 31, after the word "the" and before the word "specific" insert the word "maximum," and after the word "risks" in the last line of the same paragraph add the following: "except as provided in this section."

Add Section 13a: "No provision in any policy of insurance issued by any company subject to the provisions of this act, that if said property is encumbered by a lien of any character, or shall thereafter be encumbered by a lien of any character, shall render such policy void, shall be of any force and effect."

Amend Section 14, line 2, after the word "the" and before the word "specific" by inserting the word "maximum," and in line 8, after the word "all" and before the word "specific" insert the

word "maximum," and in line 5, after the word "his" and before the word "specific" insert the word "maximum."

Amend Section 15 by striking out said section and insert in lieu thereof the following: "It is further provided that until the general basis schedules herein provided for shall have been promulgated by the board and the maximum specific rates thereunder made by the companies and approved by the board that all companies subject to the provisions of this act shall write all policies under the rates as now in force in this State in such localities where the companies have applied the specific rates and have filed said rates with the said Fire Rating Board, but wherever such specific rates have not been filed, then the board shall designate at what rate the companies shall write insurance; provided, however, that all rates under this section shall be maximum rates and nothing shall prevent the companies in any locality from writing below the maximum rates."

Amend Section 16, line 4, by inserting after the word "the" and before the word "specific" the word "maximum," and in line 7, by inserting after the word "or" and before the word "rates" the word "maximum."

Amend Section 20, line 6, by striking out the word "different" and inserting the word "higher."

Amend Section 20, line 12, by inserting after the word "board" the following: "or authorized by this act."

Amend Section 20, line 20, by striking out all provisions of said section beginning with line 20, the first word of line 20 being the word "it," including the balance of paragraphs 1 and 2, the last word in paragraph 2 being the word "discrimination."

Add Section 25a: "All policies heretofore issued or which shall hereafter be issued by any insurance company under this act or any other act which provided that said policies shall be void for non-payment of premiums at a certain specified time, shall be and are in full force and effect, provided that the company or any of its agents has accepted the premium on said policy after the expiration of the dates named in said provision fixing the date of payment."

Insert Section 27a: "If any part of this act be for any reason held unconsti-

tutional, it shall not affect any other portion or part of this act."

HUDSPETH,
ALEXANDER,
TERRELL of Bowie,
BRACHFIELD,
WEINERT,

On the Part of the Senate.

BAKER of Hood,
TERRELL of Bexar,
GILMORE,

On the Part of the House.

The above report was read and Senator Hudspeth moved that it be adopted. (Senator Watson in the chair.)

Pending discussion, Senator Hudspeth moved the previous question, which being duly seconded, was so ordered.

The report was adopted by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Greer.	Real.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—7.

Cofer.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Murray.	

Absent.

Willacy.

Absent—Excused.

Veale.

REASONS FOR VOTE.

I vote "yea" on the motion to adopt the report of the Free Conference Committee on the part of the Senate, because a failure to adopt the report of the Free Conference Committee will, in all probability, defeat all legislation at this session of the Legislature, and might be grounds for the Governor to call another extra session of the Legislature for the purpose of passing legislation on this question, and this would entail a large expense upon the taxpayers of this State.

While I prefer the House bill to that of the Senate, I believe the Senate bill is a better law than the present insurance law, and I therefore am constrained

to vote for the adoption of the Free Conference Committee report.

MAYFIELD.

(Lieutenant Governor Davidson in the chair.)

HOUSE BILL NO. 13.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 13 by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofe.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading.

House bill No. 13, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employees; providing for a complete system of accounting, bookkeeping and auditing for said departments with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk, and prescribing his duties; providing for filling vacancies in the office of the Comptroller; repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847 and 2848 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Com-

troller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

The committee report, with amendments, was adopted.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the words "and the same shall" in line 11, page 8.

ALEXANDER,
PEELER,
BRYAN.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the words "and the same shall" in line 30, page 7.

ALEXANDER,
PEELER,
BRYAN.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill (committee amendment) by adding after the word "act" in line 2 of Section 30, the words "such warrants shall be separately serially numbered."

ALEXANDER,
PEELER,
BRYAN.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill (committee amendment) Section 15a by striking out the word "assessor," line 16, page 17, and inserting the word "collector."

ALEXANDER,
PEELER,
BRYAN.

Senator Alexander offered the following amendment which was read and adopted:

Amend the bill, page 14, line 20, by inserting after the word "Treasurer," the words "shall be stated."

ALEXANDER,
PEELER,
BRYAN.

ADJOURNMENT.

Senator Meachum moved that the Senate adjourn until 8:30 o'clock tonight. The motion prevailed by the following vote:

Yeas—19.

Adams.	Peeler.
Cofer.	Ratliff.
Harper.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—8.

Brachfield.	Mayfield.
Bryan.	Perkins.
Greer.	Senter.
Holsey.	Terrell of Bowie.

Absent.

Alexander.	Willacy.
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Absent—Excused.

Veale.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 21, "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

House bill No. 40, "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter to provide for a commission form of government, to define its powers and to prescribe its duties and liabilities, to provide for the approval of said charter by the qualified voters of said city, and to declare an emergency, and to repeal all acts in conflict herewith."

House bill No. 37, "An Act to amend Article 359, Chapter 4, Title 10, of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house, so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept for the purpose of sale as to require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as a retail malt liquor dealer."

House bill No. 34, "An Act making appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum, and to put them in safe working condition, providing the manner of expenditure of such appropriation, and declaring an emergency."

House bill No. 29, "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith and declaring an emergency.'"

House bill No. 19, "An Act to amend Article 41lppp and 41lqqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas, and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transaction of intoxicating liquors into any county, justice precinct, school district, city or town or subdivision of a county within this State where the sale of intoxicating liquors has been prohibited under the laws of this State; prescribing that a book shall be kept in which shall be entered the transactions pertaining to the receipt, shipment and transportation and delivery of such intoxicating liquors, and fixing penalties for the violations of this act, and declaring an emergency."

House bill No. 44, "An Act to amend Sections 6 and 7 of Chapter 69 of the local and special laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th day of March, 1903, and to authorize

and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

House bill No. 31, "An Act making appropriations for repairing, improving and constructing a sewerage system, and for general repairs at the North Texas Hospital for the Insane, and declaring an emergency."

House bill No. 42, "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory, and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license issue for a longer or shorter period than one year; canceling all such licenses now in force and providing for refund of unearned portions of all canceled licenses, and declaring an emergency."

The Chair (President Pro Tem. Alexander) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following resolution:

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Perkins:

McKinney, Texas, August 15, 1910.

Senator Tom W. Perkins, Austin, Texas.

Esteemed Senator: We most heartily thank and commend your efforts to suppress the prize fight and all other immoral motion picture shows, and especially do we commend your able and faithful efforts to render our local option laws more easily enforced. We sincerely hope that you may succeed in utterly suppressing the liquor traffic, and, when you have annihilated said traffic, you will have bestowed the greatest blessing to mankind. This achievement, we trust,

will be but the beginning of a long and brilliant official career.

Numerously Signed.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred

House bill No. 33, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or re-baled shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton, and to provide penalties therefor, and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

MEACHUM, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Concurrent Senate and House Joint Resolutions Nos. 1 and 2, Ratifying the Sixteenth Amendment to the Constitution of the United States of America,

Have had same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Cofer, Acting Chairman; Ratliff, Weinert, Perkins, Brachfield, Kauffman, Watson.

(Floor Report.)

Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act, providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bills of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act,

and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Senter, Perkins, Bryan, Holsey, Mayfield, Murray, Terrell of McLennan, Meachum.

(Majority Report.)

Committee Room,
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Internal Improvements, to whom was referred House bill No. 35, have had same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and that same be printed in the Journal.

(Minority Report.)

Committee Room,
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on Internal Improvements, to whom was referred House bill No. 35, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass.

HUME.

Following is the bill in full:

House bill No. 35. By Reedy et al.

A BILL

To Be Entitled

An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind, or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled "An Act to require all railroad companies doing business in this

State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, corporation or receiver engaged in repairing railroad cars or other railroad equipment, not including locomotives, shall erect and maintain a building at every station or other point where as many as five men are regularly employed on such repair work, the building to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks or other railroad equipment, except locomotives, shall be sheltered from rain and fully protected from other inclement weather.

The provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

Sec. 2. Any person, corporation or receiver who shall violate the provisions of this act shall be liable to the State of Texas for a penalty in any sum not less than \$50.00 nor more than \$100.00, and each day of such failure or refusal to comply with the provisions of this act shall be considered a separate infraction authorizing the recovery of a separate penalty.

Suit for recovery of penalties hereunder shall be brought by the Attorney General of this State or by the county or district attorney of the county in which suit is brought, and the county or district attorney, as the case may be, shall receive a fee of ten (10) per cent upon each penalty recovered and collected by him in addition to the fees allowed him by law at this time, and said fee shall be over and above the fees allowed under the general fee act in force in this State.

Sec. 3. That Chapter 53 of the Acts of the Regular Session of the Thirty-first Legislature entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes

while engaged in labor in the service of said railroad company" be, and the same is hereby repealed; that this act shall take effect ninety days after the adjournment of this Special Session; but that all persons, corporations or receivers affected by this act shall have until June 1, 1911, within which to comply with the provisions thereof.

Sec. 4. The importance of the legislation proposed in this bill and the probable early adjournment of the present session of the Legislature, rendering it improbable that this bill can be read on three several days in each house creates an emergency and an imperative public necessity exists requiring the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and it is so enacted.

(Floor Report.)

(By Unanimous Consent.)

Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 43, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether capable or producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house; providing a penalty for the violation of this act, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Harper, Chairman; Watson, Alexander, Senter, Murray, Real, Cofer, Sturgeon, Greer, Hudspeth.

(Floor Report.)

(By Unanimous Consent.)

Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

House bill No. 32, A bill to be entitled "An Act to authorize the Secretary of State in his discretion to require an affidavit of incorporators before filing charter, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Perkins, Hume, Holsay, Terrell of McLennan, Senter Mayfield.

(Floor Report.)

Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

House bill No. 42, A bill to be entitled "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medical purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license shall be issued for a longer or shorter period than one year; cancelling all such licenses now in force and providing for refund of unearned portions of all cancelled licenses, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Greer, Cofer, Sturgeon, Hudspeth, Alexander, Senter, Real, Watson, Murray.

Committee Room,
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 21, "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such po-

litical subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:19 o'clock a. m., presented the same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America,

And find it correctly enrolled, and have this day, at 10:19 o'clock a. m., presented the same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 11, and find it correctly enrolled, and have this day, at 3:20 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled "An Act authorizing any county in the State of Texas, having a population in excess of fifty thousand inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, via-

ducts, bridges and approaches across and rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency," by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, be amended by adding thereto Sections 9a and 9b, which shall read as follows:

"Section 9a. Said county, acting through its commissioners court, shall have the power, and is hereby authorized to take and appropriate such lands and other property, situated within or without the limits of any city or town, as may be deemed necessary for the establishment, location, construction, maintenance, repair or security of said causeways, viaducts, bridges and approaches, and to define the area of land needed not to exceed two hundred feet in width, and to acquire, take, hold and enjoy the same, for the purposes aforesaid, and shall have the right to exercise the power of eminent domain, and to condemn lands for the uses and purposes aforesaid; said condemnation proceedings to be instituted in the name of the county, before the judge of the court having jurisdiction by law to act in condemnation proceedings for rights of way by railroad companies and all laws in reference to applications and proceedings for the condemnation of rights of way for railroad companies shall apply to condemnations under this act, the county occupying the position of the railroad company, except that in no case shall the county be required to give bond; provided, nevertheless, that said county acting through its commissioners court

shall be empowered to take the fee simple estate to the land condemned or acquired hereunder, whenever deemed necessary for the purposes of this act; provided further, that before exercising the power of eminent domain hereunder, said county commissioners court shall by order duly entered on its minutes define and describe the lands needed and determine whether an easement or fee simple estate in said land shall be taken. And the county commissioners court of any county, with the consent of any city, given by its duly authorized municipal authorities or the municipal authorities of any city, in which said causeway, viaduct, bridge and approaches are to be constructed and maintained, shall have power and are hereby authorized to grant the use of, and impose such additional uses upon all streets, alleys, public highways and other public grounds as they may deem necessary for the location, construction and maintenance of said causeways, viaducts, bridges and approaches, and may authorize the construction of same across or upon any such street, alley, public highway or public grounds.

"Section 9b. Said county, acting through its commissioners court, is authorized to enter upon any lands owned by any railway, telegraph or telephone corporation, in fee or in any less estate, whether acquired by purchase or condemnation or by virtue of any provision in the charter of such corporation, for the purposes of this act, and from time to time define and appropriate so much of said lands as may be necessary for the establishment, location, construction and maintenance of said causeways, viaducts, bridges and approaches, and shall have the right of access to construct and maintain said causeways, viaducts, bridges and approaches, and when constructed to repair the same, and may proceed to obtain the right of way, and to condemn lands for the use of the county in the manner provided by law in the case of railway corporations. Said county shall have the right to cross and intersect the line of any such railway, telegraph or telephone corporation, and in case any differences shall arise between the county and said railway, telegraph or telephone corporation as to the manner or mode of any crossing or intersection made by said causeway, viaduct, bridge and approaches, their differences shall be adjusted by the special commissioners ap-

pointed hereunder to assess damages for the land condemned.

Sec. 2. The fact that there is now no adequate law authorizing counties to condemn property for the construction and maintenance of viaducts across rivers in this State, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, August 17, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent—Excused.

Veale.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to adopt the report of the Free Conference Committee on House bill No. 7, and request the appointment of a new Free Conference Committee. The following have been appointed on part of the House: Messrs. Cureton, Moller, Lee, Looney and Stratton.

Also passed House Concurrent Resolution No. 6, requesting the Thirty-first Legislature to hold the Fourth Called Session in the city of Galveston, Texas.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following house concurrent resolution.

House Concurrent Resolution No. 7, referred to Committee on State Affairs.

FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 7.

Senator Brachfield moved that the Senate grant the request of the House for the appointment of a new Free Conference Committee on House bill No. 7.

The motion prevailed.

The Chair appointed Senators Hudspeth, Terrell of Bowie, Alexander, Brachfield and Weinert.

The Chair asked the committee to meet at once, and if they could not agree a new committee would be appointed.

Morning call concluded.

HOUSE BILL NO. 13.

The Chair, laid before the Senate, on second reading,

House bill No. 13, A bill to be entitled "An Act for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas, and the duties of his employes; providing for a complete system of accounting, bookkeeping and auditing for said department with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk and prescribing his duties; providing for filling vacancies in the office of the Comptroller, repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the election, qualification and duties of the Comptroller, and the appointment, qualification and duties of a Chief Clerk, and all laws and parts of laws in conflict with this act, and declaring an emergency."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 2, page 2, line 10, by striking out the words "if in session" and substituting therefor the words "in accordance with law."

Bill read second time, and passed to a third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofe.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Terrell of McLennan.

Absent—Excused.

Veale.

Willacy.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofe.	Ratliff.
Greer.	Real.
Harper.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Holsey.

Terrell of McLennan.

Absent—Excused.

Veale.

Willacy.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 35.

The Chair laid before the Senate, on second reading and pending business,

House bill No. 35, A bill to be entitled "An Act to require the erection and maintenance of buildings for the protection from rain, wind and inclement weather of employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and repealing the act of the Thirty-first (31st) Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather their employes while engaged in labor in the service of such railroad company,' approved 17th day of March, 1909."

There being a favorable majority committee report, recommending that the bill be printed in the Journal, and an adverse minority report,

On motion of Senator Senter the majority committee report was adopted.

Senator Murray offered the following amendment:

Amend the bill by striking out the word "fully" and insert in lieu thereof the word "reasonably."

MURRAY,
HUME.

The amendment was read, and Senator Meachum moved that the pending order of business (House bill No. 35) be suspended, and the Senate take up, out of its order, Senate bill No. 17.

The motion to suspend the pending business was lost by the following vote:

Yeas—15.

Cofer.	Real.
Harper.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Meachum.	Terrell of Wise.
Paulus.	Watson.
Peeler.	Weinert.
Ratliff.	

Nays—11.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Perkins.
Greer.	Senter.
Holsey.	Ward.
Hudspeth.	

Present—Not Voting.

Murray.

Absent.

Bryan.

Absent—Excused.

Veale.

Willacy.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 13.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

NEW FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 7.

Here Senator Brachfield, a member of the Free Conference Committee on House

bill No. 7, reported that the Senate and House committee could not agree, and moved that the Senate committee be discharged and a new committee appointed.

The motion prevailed, and

The Chair appointed the following as the new Free Conference Committee: Senators Murray, Senter, Bryan, Harper and Paulus.

HOUSE BILL NO. 35.

Action recurred to House bill No. 35, the question being on the amendments by Senator Murray.

(Senator Terrell of Wise in the chair.)

Senator Mayfield moved the previous questions on the pending amendment and the engrossment of the bill.

The motion was duly seconded, and was ordered by the following vote:

Yeas—17.

Adams.	Paulus.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Kauffman.	Ward.
Mayfield.	

Nays—10.

Harper.	Murray.
Hudspeth.	Peeler.
Hume.	Sturgeon.
Kellie.	Watson.
Meachum.	Weinert.

Absent—Excused.

Veale.

PAIRED.

Senator Terrell of Bowie (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Action recurred on the amendment by Senator Murray, and the same was lost by the following vote:

Yeas—8.

Adams.	Murray.
Greer.	Peeler.
Hume.	Watson.
Meachum.	Weinert.

Nays—18.

Alexander.	Cofer.
Brachfield.	Holsey.
Bryan.	Hudspeth.

Kauffman.	Real.
Kellie.	Senter.
Mayfield.	Sturgeon.
Paulus.	Terrell of McLennan.
Perkins.	Terrell of Wise.
Ratliff.	Ward.

Absent.

Harper.

Absent—Excused.

Veale.

PAIRED.

Senator Terrell of Bowie (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Bill read second time, and passed to a third reading.

Senator Brachfield moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—18.

Adams.	Mayfield.
Alexander.	Paulus.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Kauffman.	Ward.

Nays—8.

Hume.	Peeler.
Kellie.	Sturgeon.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Harper.

Absent—Excused.

Veale.

PAIRED.

Senator Terrell of Bowie (present), who would vote "yea," with Senator Willacy (absent), who would vote "nay."

SENATE BILL NO. 17.

The Chair laid before the Senate, on third reading,

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges

or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency,"

(Lieutenant Governor Davidson in the chair.)

Senator Meachum offered the following amendment:

Amend Senate bill No. 17 by adding between the caption and Section 1 the following words: "Be it enacted by the Legislature of the State of Texas."

MEACHUM,
WATSON.

(Senator Weinert in the chair.)

Pending the discussion by Senator Meachum on the above amendment and the bill, several points of order were made by Senators Terrell of Bowie, Holsey et al., that Senator Meachum was speaking for delay, etc., but they were overruled.

(Lieutenant Governor Davidson in the chair.)

FREE CONFERENCE COMMITTEE DISCHARGED.

Senator Murray, chairman of the Free Conference Committee on House bill No. 7, reported that the Senate committee and House committee could not reach an agreement, and asked to be discharged. The committee was discharged.

Senator Hudspeth moved that the Senate adhere to its original report. (See Journal of yesterday for report.)

The motion to adhere to the report prevailed.

PRESIDENT PRO TEMPORE—ELECTION OF.

The Chair announced that as the hour for sine die adjournment was drawing near he would recognize any Senator to nominate a President Pro Tem., as is required by the Constitution.

Whereupon,

Senator Meachum placed Senator Terrell of McLennan in nomination for that place.

Senator Hudspeth seconded the nomination.

There being no other nominations, the Chair declared the nominations closed and directed the Senators to prepare their ballots.

Senators Ratliff, Real and Perkins

were appointed as tellers to count the votes.

The result of the ballot was as follows:

Senator Terrell of McLennan received 23 votes.

Senator Cofer received 1 vote.

Senator Greer received 1 vote.

Senator Terrell having received 23 votes, a majority of all votes cast, the Chair declared him duly and constitutionally elected President Pro Tem.

The Chair appointed Senators Mayfield, Meachum and Kauffman to escort the President Pro Tem-elect to the President's chair, whereupon the constitutional oath of office was administered him.

(President Pro Tem. Terrell presiding.)

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the Free Conference Committee appointed on the part of the House on House bill No. 7 having failed to agree with the Senate committee, the House committee has been discharged with the full endorsement of the House.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

NOTIFICATION COMMITTEES—APPOINTMENT OF.

Senator Hudspeth here moved that two committees of three Senators each be appointed to notify the Governor and House of Representatives that the Senate had completed its labors and would soon adjourn sine die.

The motion prevailed, and the Chair appointed the following as the committees:

To notify the Governor: Senators Hudspeth, Cofer and Hume.

To notify the House: Senators Terrell of Bowie, Adams and Perkins.

Pending a short delay, both of the committees reported to the Senate that they had discharged their duties and were discharged.

COMMITTEE FROM THE HOUSE.

Here a committee from the House of Representatives appeared at the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read to the Senate:

Executive Office,
State of Texas,

Austin, Texas, August 17, 1910.

To the Legislature:

I have the honor to transmit herewith proclamation of the Governor of the State of Texas, convening the Legislature in Special Session to meet in the city of Austin, Texas, beginning at 8:30 o'clock a. m., Thursday, August 18, A. D. 1910, for the purposes contained in said proclamation.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

PROCLAMATION BY THE GOVERNOR.

Executive Office,
State of Texas.

I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a Special Session of the Thirty-first Legislature to convene in the city of Austin, Texas, beginning at 8:30 o'clock a. m. Thursday, August 18, A. D. 1910, for the following purposes and for legislation on the following subjects, to-wit:

1. Legislation amending Articles 4549 and 4950, of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and to prescribe the conditions upon which the purchaser, or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of such new corporation and of the old corporation after the sale of its property and franchises, and providing for the protection of holders of claims against the old corporation, including claims for death and for personal injuries sustained in the oper-

ation of the railroad by the company or by any receiver thereof, and for loss of and damages to property sustained in the operation of the railroad by such company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs, and such other legislation in respect to the subject here mentioned as may be appropriate and necessary in the premises.

2. Legislation providing for a Board of Prison Commissioners, Superintendent of Prisons and other officers and employes, and for the care, management, discipline and method of employment of convicts confined in the State penitentiaries; providing for the working of convicts on State account, and the passage of such further laws relating to the State's penitentiary system as the Legislature, in its wisdom, may enact.

3. The enactment of adequate laws defining "bills of lading" and defining the word "carriers." Providing that it shall be the duty of common carriers, and their officers and agents, to issue negotiable bills of lading and straight or non-negotiable bills of lading at the request of the shipper, between certain places to be prescribed in the law, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading and prescribing the necessary requirements for all bills of lading; to make all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange and promissory notes and prohibiting the placing upon negotiable bills of lading any terms which would in any manner limit their negotiability; and providing for the division of bills of lading into such different series as may be appropriate and defining each series, prescribing how bills of lading shall be issued and prohibiting the issuing of negotiable bills of lading in part or parts, except as prescribed by law; prescribing the duties of general freight agents or persons authorized to act for them and the duties of local station agents of common carriers, and for such additional legislation on this subject as business conditions and the general welfare may demand.

4. Legislation requiring persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any rail-

road company or other common carrier unless the same is free from "spiders," exposed ends of bands or any exposed or any obtruding part of the ties, bands, buckles or splices used in tying or baling such bale of cotton, and to provide penalties and methods of enforcement of the laws enacted on this subject.

5. Legislation requiring the erection and maintenance of buildings for the protection from rain, wind and inclement weather of employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and such further legislation upon this subject as may be appropriate and is necessary to provide proper protection to employes engaged in such work.

6. To enact a law repealing the law enacted by the Thirty-first Legislature at its First Called Session, known as Chapter 18, and entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency," and to enact adequate laws regulating and fixing rates and preventing unjust discriminations by fire insurance companies and to prevent combinations between such companies to destroy competition in fire insurance rates in Texas, and to provide penalties therefor and to provide all necessary means for the enforcement of such laws.

7. To consider and act upon such other matters as may hereafter be presented by me, pursuant to Section 40, Article 3, of the Constitution of the State of Texas.

In testimony whereof, I have set my hand and caused the seal of the State of Texas to be affixed at Austin, Texas, this the 17th day of August, A. D. 1910.

(Seal.)

T. M. CAMPBELL,
Governor of Texas.

By the Governor:

W. B. TOWNSEND,
Secretary of State.

SENATE BILL NO. 17.

Action here recurred on Senate bill No. 17, the question being on the amendment by Senator Meachum.

Senator Meachum moved the previous question on same, the motion being duly seconded, was so ordered by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kauffman.	Weinert.
Mayfield.	

Nays—2.

Kellie. Paulus.

Absent.

Perkins. Terrell of Wise.
Sturgeon. Willacy.

Absent—Excused.

Veale,

The amendment was adopted by the following vote:

Yeas—20.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Ward.
Mayfield.	Weinert.

Nays—5.

Hume. Paulus.
Kauffman. Watson.
Kellie.

Absent.

Perkins. Sturgeon.
Ratliff. Willacy.

Absent—Excused.

Veale.

Senator Cofer moved the previous question on the final passage of the bill, the motion being duly seconded, was so ordered.

The bill was read third time, and failed to pass by the following vote:

Yeas—11.

Alexander.	Holsey.
Brachfield.	Mayfield.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of McLennan.
Greer.	Ward.
Harper.	

Nays—12.

Adams.	Paulus.
Hudspeth.	Peeler.
Kauffman.	Real.
Kellie.	Senter.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Ratliff. Terrell of Wise.
Sturgeon. Willacy.

Absent—Excused.

Veale.

PAIRED.

Senator Perkins (absent), who would vote "yea," with Senator Hume (present), who would vote "nay."

AT EASE.

Senator Watson moved that the Senate stand at ease, subject to the call of the Chair.

The motion prevailed by the following vote:

Yeas—13.

Adams.	Murray.
Harper.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	

Nays—10.

Alexander.	Holsey.
Brachfield.	Mayfield.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of McLennan.
Greer.	Ward.

Absent.

Perkins. Terrell of Wise.
Ratliff. Willacy.

Absent—Excused.

Veale.

PAIRED.

Senator Weinert (present), who would vote "yea," with Senator Sturgeon (absent), who would vote "nay."

At 11:55 o'clock the Senate was called to order by Lieutenant Governor Davidson.

SINE DIE ADJOURNMENT.

There being no further business before the Senate, and the notification committees having made their reports, the Chair (Lieutenant Governor Davidson) announced that the hour of 12 o'clock midnight had arrived, at which time the Senate adjourned sine die by statute of limitation, and after prayer by the Chaplain, Rev. H. M. Sears, so declared the session adjourned.

APPENDIX.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 20, "An Act making appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency."

House bill No. 13, "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employees; providing for a complete system of accounting, bookkeeping and auditing for said departments with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk, and prescribing his duties; providing for filling vacancies in the office of the Comptroller; repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847 and 2848 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comptroller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 38, "An Act denouncing as a nuisance any place, room or building in any county, justice precinct, town, city or subdivision of a county as may be designated by the commissioners court of said county in which the sale of intoxicating liquors have been prohibited under the laws of this State, kept or use for the purpose of selling intoxicating liquor in violation of law; also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose, and the tools, appliances and furniture used therewith, prescribing a suitable procedure for the search and seizure of any such liquor, tools, appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein; also to prevent by means of the writ of injunction at the suit of the State or any citizen thereof, the use or the contemplated use, or threatened use, of any such place, room or building, or the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith, for any such illegal purpose, and declaring an emergency."

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 23, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following amendments, and be not printed:

Amend the bill, Section 1, by adding after the words, "If any member of any club, lodge or other association of persons," at the beginning of said section, the following: "Other than a fraternal or secret organization or association now in existence, and that now has a total membership in this State, including all affiliating or sub-

ordinate lodges or clubs, of not less than five thousand."

Amend Section 3 of the bill by adding at the end thereof the following: "Provided further, this act shall not apply to any club, lodge or association which does not keep intoxicating liquors stored on the premises and only permits such liquor to be brought upon its premises at bona fide entertainments, nor shall it prevent the use of such liquors for sacramental purposes."

HARPER, Chairman.

Committee Room,

Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 20, and find it correctly enrolled, and have this day, at 9 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

Senate bill No. 20, "An Act making an appropriation for a deficiency in support of the State Government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and to pay a deficiency in support of the State Government, being to pay E. A. Bolmes, Commissioner of Pensions, the sum of \$438.90 for services from June 12, 1909, to August 31, 1909; for Secretary of State's office the sum of seventy-five (\$75.00) dollars, or so much thereof as may be necessary for the purpose of preparing for publication the laws passed by the Third Called Session of the Thirty-first Legislature; and sixty-one thousand, five hundred and eighty-two (\$61,582.50) and fifty one-hundredth dollars for the

purpose of paying the interest due and unpaid up to September 1, 1910, upon one million fifty-five thousand and seven hundred (\$1,055,700) dollars of bonds of the State of Texas reguanded by this Called Session of the Thirty-first Legislature, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of two hundred dollars be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas for the months of May and June in the fiscal year ending August 31, 1910; to pay E. A. Bolmes, Commissioner of Pensions, salary from June 12, 1909, to August 31, 1909, the sum of \$438.90; for Secretary of State's office the sum of seventy-five (\$75) dollars, or so much thereof as may be necessary for the purpose of preparing for publication the laws passed by the Third Called Session of the Thirty-first Legislature; and sixty-one thousand five hundred and eighty-two (\$61,582.50) and fifty one-hundredth dollars for the purpose of paying the interest due and unpaid up to September 1, 1910, upon one million fifty-five thousand and seven hundred (\$1,055,700) dollars of bonds of the State of Texas refunded by this Called Session of the Thirty-first Legislature.

Sec. 2. Whereas, the fact that there is now no appropriation to pay said claims against the State herein provided for, which is an outstanding and legal claim against the State, creates an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

APPENDIX A.

SENATE BILLS AND RESOLUTIONS—HISTORY OF IN SENATE.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty-one thousand dollars (\$51,000) or so much thereof as may be necessary to pay the mileage and per diem of members and per diem of employes of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

Read first time, and referred to Finance Committee..... 6
Reported favorably and be not printed

8 Taken up; constitutional rule suspended and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 8-9
(Died in engrossing room.)

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars (\$10,000) to pay the contingent expenses of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

Read first time, and referred to Finance Committee..... 6
Reported favorably and be not printed

8 Taken up; constitutional rule suspended and put on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time, and passed..... 9-10
(Died in engrossing room.)

By Senator Hudspeth:

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History..... 6
Reported, favorable majority, adverse minority with favorable substitute 43
Read second time and laid on table subject to call..... 46
Called up and made special order for August 11..... 58
Called up and made a special order for August 12..... 77
8 Taken up; majority committee report adopted; read second time; ordered engrossed; constitutional rule suspended; read third time, and passed..... 89
Reported engrossed..... 108
(Died in House.)

By Senators Ward and Cofer:

Senate bill No. 4, A bill to be entitled "An Act to prohibit any person or persons, association or corporation to give, have or exhibit or be in any way concerned in giving, having or exhibiting or to permit or allow in or on any premises, property, building or structure of any character owned, controlled or managed by any such person or persons, association or corporation, any show at which is exhibited or displayed, or in any street or road, any moving or motion picture, films, or either representation of like character, of any prize fight or pugilistic contest, or encounter between man and man or between man and beast, or to exhibit by such means and manner in such places an obscene view or picture of a person or beast within this State; and to provide penalties therefor, and to define the term 'obscene,' and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a of the Penal Code of Texas; and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2..... 17

Reported favorably.....	27
Read second time, amended, ordered engrossed; constitutional rule suspended, read third time, and passed	29, 30, 31, 32
Reported engrossed	36
(Died in House.)	

By Senators Hudspeth, Brachfield and Willacy:

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expenses of such clerical force and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History	17
Reported, favorable majority, with amendments; adverse minority..	82
(Died on calendar.)	

By Senators Alexander and Perkins:

Senate bill No. 6, A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests and any obscene, indecent or immoral show or exhibition by means of moving picture

films, bioscopes, magic lanterns or other devices in moving picture shows, theaters or any other place whatsoever, by any association, corporation, firm or person, providing penalties therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.....	17
Reported favorably	28
Read second time and laid on table subject to call.....	35
(Died on table.)	

By Senators Ward, Sturgeon and Willacy:

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency."

Read first time, and referred to Finance Committee	28
Reported favorably and be not printed	36
Read second time, committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time, and passed	37
Reported engrossed	44
Received from House with amendments	57
Senate refused to concur in amendments and Free Conference Committee requested	79
Free Conference Committee appointed	79
House grants request for Free Conference Committee	86
Free Conference Committee report adopted	100, 102
House reports adoption of Free Conference Committee report.....	112
Signed	139
Enrolled bill in full.....	142

By Senator Ward:

Senate bill No. 8, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an individual or individuals, corporation or corporations, upon presenta-

tion of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,550 for that purpose, and declaring an emergency."

Read first time, and referred to Finance Committee 29
Reported favorably and be not printed 36
Read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed 38
Reported engrossed 44
Received from House 57
Signed 75
Enrolled bill in full 106

By Senators Cofer and Bryan:

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bill of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected with the issuance and handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1 35
Reported favorably 69
Taken up and made special order for August 13 90
(Died on calendar.)

By Senators Harper, Brachfield and Veale:

Senate bill No. 10, A bill to be entitled "An Act appropriating and transferring to a fund to be known as 'Pure Feed Fund of the A. and M. College' all money collected under the Pure Feed Inspection Acts of the Twenty-ninth Legislature, and not expended for and on behalf of the A. and M. College, and authorizing the expenditure of same."

Read first time, and referred to Committee on Finance 42
Reported favorably and be not printed 50

Taken up; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed 45
Reported engrossed 51
Received from House with amendments 56
House amendments concurred in... 57
Signed 75
Enrolled bill in full 107

By Senator Senter:

Senate bill No. 11, A bill to be entitled "An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled 'An Act authorizing any county in the State of Texas having a population in excess of 50,000 inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency,' by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations 48
Reported favorably and be not printed 76
Taken up; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; amended; read third time and passed 78
Reported engrossed 106
Received from House 128
Signed 139
Enrolled bill in full 176

By Senators Terrell of Bowie, Perkins, Holsey, Bryan, Mayfield, Veale, Cofer, Stokes, Terrell of Wise, Greer, Brachfield, Ratliff, Ward, Alexander, Sturgeon:

Senate bill No. 12, A bill to be entitled "An Act to prohibit the drinking of spirituous, vinous or malt liquors, and medicated bitters capable of producing intoxication on the premises where sold (in any locality of this State other than where local option is in force), and providing penalties therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2..... 48
Reported, adverse majority and be not printed but be printed in Journal; with favorable minority 61
Printed in full in Journal..... 61
Read second time, majority (adverse) committee report adopted. 93, 94

By Senators Terrell of Bowie, Perkins, Holsey, Bryan, Mayfield, Veale, Cofer, Terrell of Wise, Greer, Sturgeon, Ratliff, Ward, Alexander and Stokes:

Senate bill No. 13, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication (in any locality of this State other than where local option is in force) in quantities of less than one quart, and prescribing penalties for violations thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2..... 48
Reported, adverse majority and be not printed but be printed in the Journal, with favorable minority report 62
Printed in full in Journal..... 62
Read second time, majority (adverse) committee report adopted. 95

By Senators Terrell of Bowie, Terrell of Wise, Perkins, Holsey, Stokes, Bryan, Brachfield, Mayfield, Greer, Veale, Ratliff, Cofer, Ward Alexander and Sturgeon:

Senate bill No. 14, A bill to be entitled "An Act to amend Section 14, of Chapter 17 of the Acts of the Regular Session of the Thirty-first Legislature, the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and association of persons selling spirituous, vinous or male liquors or medicated bitters capable of produc-

ing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold and otherwise regulating such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto; and repealing all laws or parts of laws in conflict herewith; requiring licenses to be issued under this act, and prescribing the continuation in force of licenses issued under prior law for sixty days after this act takes effect in order to give time for securing licenses under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency," by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is in force to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day, and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each

week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2..... 49
Reported adversely and be not printed but be printed in the Journal; with favorable minority report... 62
Printed in full in the Journal..... 63
Read second time and laid on table subject to call.....95, 96
(Died on table.)

By Senators Sturgeon, Cofer, Terrell of Wise, Ward and Veale:

Senate bill No. 15, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, within ten miles of the State University of Texas and all branches thereof, including the Agricultural and Mechanical College, except for medicinal, mechanical or sacramental purposes, and fixing the penalties therefor, repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2..... 49
Reported adversely and be not printed but printed in the Journal; with favorable minority report 64
Printed in full in Journal..... 64
Read second time, majority (adverse) committee report adopted. 96

By Senators Cofer and Bryan:

Senate bill No. 16, A bill to be entitled "An Act to amend Section 120 of the election law as passed by the Thirtieth Legislature, entitled 'An Act to amend Section 114 and add Section 114a, which prescribes for a uniform test, an act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and to provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903, and also to amend Section 120 of said Acts as amended by the Second Called Session of the said Twenty-ninth Legislature;'" also to amend Section 141 of said Acts passed at the First Called Session of the Twenty-ninth Legislature;" also to amend Section 106 of said act passed at the First Called Session of

the Twenty-ninth Legislature, and declaring an emergency."

Read first time, and referred to Committee on Privileges and Elections 49
Reported adversely, with favorable minority 70
Read second time, majority (adverse) committee report adopted. 98

By Senators Cofer and Sturgeon:

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

Read first time, and referred to Judiciary committee No. 2..... 50
Reported favorably and be not printed, but printed in the Journal 64
Printed in full in Journal..... 65
Read second time and laid on table subject to call..... 99
Taken up and ordered engrossed.. 154
Reported engrossed..... 178
Read third time, amended, and failed to pass.....181, 183, 184

By Senators Cofer and Sturgeon:

Senate bill No. 18, A bill to be entitled "An act to amend Chapter 17, of the Acts of the Thirty-first Legislature, page 293, approved April 17, 1909, and amending Section 9, page 296, of said act so as to require the applicants for retail liquor dealer's license or malt liquor dealer's license to make application on oath to the Comptroller of Public Accounts of this State, embracing in said application and statement that the applicant or applicants have not contributed any money or valuable thing, directly or indirectly, to any campaign fund in any election, and to amend Section 15, page 304, of said Acts, so as to prescribe the conditions of the bond to be given in order to sell spirituous, vinous or malt liquors or medicated bitters; prescribing conditions of said bonds, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1..... 50
Reported, adverse majority and be not printed, but be printed in the Journal, with favorable minority 65

Printed in full in the Journal.... 65
Read second time, majority (ad-
verse) committee report adopted 100

By Senator Bryan:

Senate bill No. 19, A bill to be en-
titled "An Act to reorganize the Seven-
tieth Judicial District of Texas, and to
fix the time of holding court in each of
the counties of said Seventieth Judicial
District, and to declare an emergency."

Read first time, and referred to
Committee on Judicial Districts... 75
Reported favorably and be not
printed 83
Senate rule suspended; read second
time; committee report adopted;
ordered engrossed; constitutional
rule suspended; read third time
and passed..... 80
Reported engrossed..... 106
(Died in House.)

By Senator Terrell of Bowie:

Senate bill No. 20, A bill to be en-
titled "An Act making an appropriation
for a deficiency in support of the State
government for the fiscal year ending
August 31, 1910, being to pay for the
services of a clerk employed by the Tax
Commissioner of the State of Texas, and
declaring an emergency."

Read first time, and referred to
Finance Committee..... 77
Reported favorably and be not
printed 104
Senate rule suspended; read second
time; committee report adopted;
ordered engrossed; constitutional
rule suspended; read third time
and passed..... 102, 103
Reported engrossed..... 118
Received from House with amend-
ments 138
House amendments concurred in... 164
Signed 185
Enrolled bill in full..... 186

By Senator Sturgeon:

Senate bill No. 21, A bill to be en-
titled "An act to authorize and empower
Lamar county or any political sub-
division of said county by a vote of a
two-thirds majority of the resident
property taxpayers, qualified voters of
such county or political subdivision
thereof, voting thereon, to issue bonds
to any amount not exceeding one-fourth
of the assessed valuation of the real
property of such county or of such
political subdivision, and to levy and
collect taxes to pay the interest on such

bonds and to provide a sinking fund for
the redemption thereof for the purpose
of constructing, maintaining and oper-
ating macadamized, graveled or paved
roads and turnpikes and prescribing
ways and means of conducting and
supervising said work, and to repeal
Chapter 72 of the Special Laws of the
Thirty-first Legislature creating a spe-
cial road law for Lamar county, ap-
proved March 17, 1909, and declaring
an emergency."

Read first time, and referred to
Committee on Roads, Bridges and
Ferries 86
Reported favorably and be not
printed 105
Constitutional rule suspended and
bill placed on second reading;
Senate rule suspended; read sec-
ond time; committee report
adopted; ordered engrossed; con-
stitutional rule suspended; read
third time and passed..... 90
Reported engrossed 118
Received from House..... 128
Signed 172
Recalled from Governor..... 156, 158
Reported enrolled..... 176

By Senator Greer:

Senate bill No. 22, A bill to be en-
titled "An Act to amend Sections 6 and
7 of Chapter 69 of the Local and Special
Laws of the Thirtieth Legislature, being
entitled 'An Act to amend the special
road law of Van Zandt county, Texas,'
as enacted by the Twenty-eighth Legis-
lature and sent to the Governor for
approval on the 18th of March, 1903,
and to authorize and empower the com-
missioners court of said county to issue
bonds for the permanent improvement
of the public roads of said county, and
declaring an emergency."

Read first time and referred to
Committee on Roads, Bridges and
Ferries 110
Reported favorably and be not
printed 119
Constitutional rule suspended and
bill placed on second reading;
Senate rule suspended; read sec-
ond time; committee report
adopted; ordered engrossed; con-
stitutional rule suspended; read
third time and passed..... 114
Reported engrossed..... 118
(Died in House.)

By Senator Cofer:

Senate Joint Resolution No. 1, Ratify-

ing the Sixteenth Amendment to the Constitution of the United States of America.

Whereas, Both houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and the House of Representatives of the United States of America, in Congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely, Article 16. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration; therefore, be it

Resolved by the Senate and House of Representatives of the State of Texas, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Texas.

Section 2. That ratified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the United States House of Representatives.

Read first time, and referred to Committee on Constitutional Amendments 42
Reported favorably and be not printed 50
Senate rule suspended; read second time; committee report adopted, and ordered engrossed..... 46
Read third time and passed..... 51
Received from House..... 152
Signed 173
Reported enrolled 176

By Senators Cofer, Murray, Peeler, Willacy, Meachum, Adams, Perkins, Watson, Weinert and Hume:

Senate Concurrent Resolution No. 1:
Be it resolved by the Senate, the House of Representatives concurring, That when the Senate and House of Representatives adjourn today that they adjourn until Monday, the 25th day of July, A. D. 1910, at 10:30 o'clock a. m.

Read and adopted..... 10
Received from House..... 18

By Senators Meachum, Watson, Alexander, Hudspeth, Stokes, Peeler, Cofer:

Senate Concurrent Resolution No. 2:
Whereas, It is proposed to hold, upon the completion of the Panama Canal, a great national exposition; and

Whereas, The completion of this project will be of great benefit to the people of the South and to the State of Texas; and

Whereas, The people of the entire South and particularly of this State are greatly interested in the holding of the exposition in commemoration of the completion of the canal, and as the Gulf States have united upon the city of New Orleans, in the State of Louisiana, as the proper place to hold this exposition; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Honorable J. Y. Sanders, Governor and United States Senator-elect of the State of Louisiana, be requested and invited to address the Texas Legislature, in joint session, in the Hall of the House of Representatives upon this topic at some date prior to the 7th day of August, A. D. 1910, as will suit the convenience of Governor Sanders, and that a copy of this resolution be forwarded to Governor Sanders by the Secretary of the Senate and the Chief Clerk of the House of Representatives, under the direction of the Lieutenant Governor and the Speaker of the House of Representatives.

Read and adopted..... 18
Received from House..... 20

By Senator Watson:

Senate Concurrent Resolution No. 4,
Designating Monday, August 15, 1910, at noon, for the Third Called Session of the Thirty-first Legislature to adjourn sine die.

Read first time, and referred to Committee on State Affairs..... 77
(Died in committee.)

By Senator Sturgeon:

Senate Concurrent Resolution No. 5,
Resolved by the Senate, that the Gov-

ernor be requested to return Senate bill No. 21, the House concurring therein, for correction.

Resolution read and adopted..... 158
Received from House..... 160

SIMPLE RESOLUTIONS

By Senator Hume:

Providing for the election of officers and employes of the Senate..... 2
Amendment offered and adopted... 3
Read and adopted..... 3

By Senator Willacy:

Anent the death of Lieutenant Governor Davidson's mother.
Read and adopted..... 5

By Senator Perkins:

Authorizing members to subscribe for newspapers.
Read and adopted..... 10

By Senator Murray:

Providing for committee to investigate matter relative to the employes of the Senate and to report back to the Senate.
Read and adopted..... 18
See report of committee..... 21

By Senator Cofer:

Relative to seating Senator-elect Terrell of Wise county.
Read and postponed..... 20
Referred to Committee on Privileges and Elections 24
See report of committee..... 24

By Senator Hudspeth:

Providing for Superintendent of Public Buildings and Grounds to place electric fans in Senate Chamber.
Read and postponed..... 21

By Senator Alexander:

Providing for printing 600 copies of the Journal.
Read and adopted..... 22

By Senator Harper:

Allowing Secretary of Senate postage.
Read and adopted..... 28

By Senator Willacy:

Granting use of Senate Chamber to Hood's Brigade Monument Association

for purpose of holding memorial services.

Read and adopted..... 31

By Senator Cofer:

Providing for seating Senator-elect Ratliff.

See committee report..... 34

By Senators Weinert and Murray:

Thanking Commercial Secretaries for statistical maps, etc.
Read and adopted..... 39

By Senator Hudspeth:

Requiring capitol to be lighted until 12 o'clock each night.
Read and adopted..... 39

By Senator Watson et al.:

Requesting Attorney General Lightfoot to appoint Mr. Mobley to a position as Assistant Attorney General.
Read 47
Adopted 50

By Senator Alexander:

Authorizing Secretary of the Senate to deliver to commission to codify the laws of Texas copies of the Legislative Manuals.
Adopted 24

By Senator Cofer:

Requesting Judiciary Committee No. 2 to report Senate bill No. 12.
Read 85
Tabled 87, 88

By Senator Watson:

Relative to pay of Miss Daugherty as stenographer.
Read and adopted..... 102

By Senator Hudspeth:

Extending sympathy on account of death of mayor of El Paso.
Read and adopted..... 129

By Senator Cofer:

Requesting Judiciary Committee No. 2 to report House bill No. 15.
Read and lost..... 149

By Senator Cofer:

Requesting Governor to return Senate bill No. 21 for correction.
Read and adopted..... 156

APPENDIX B.

HOUSE BILLS AND RESOLUTIONS—HISTORY OF IN SENATE.

House bill No. 2, A bill to be entitled		Reported adversely, with favorable	
"An Act making an appropriation to		substitute and be not printed....	55
pay the per diem and mileage of mem-		Read second time; Senate rule sus-	
bers and per diem of officers and em-		pended; committee report adopt-	
ployes of the Third Called Session of the		ed; passed to third reading; con-	
Thirty-first Legislature of the State of		stitutional rule suspended; read	
Texas, convened July 19, 1910, by pro-		third time and passed.....	52
clamation of the Governor, and declaring		House concurs in Senate amend-	
an emergency."		ments	57
Received from House.....	11	Signed	60
Read first time, and referred to		Governor requested to return to	
Finance Committee	11	House for correction (House Con-	
Reported favorably and be not		current Resolution No. 5)	79
printed	11	House reports refusal to concur in	
Constitutional rule suspended; Sen-		Senate amendments and requests	
ate rule suspended; committee re-		a Free Conference Committee....	86
port adopted; read second time;		Senate grants request for Free Con-	
passed to third reading; constitu-		ference Committee	87
tional rule suspended; read third		Senate adopts Free Conference Com-	
time and passed.....	12	mittee report	112
Signed	14	House reports adoption of Free Con-	
House bill No. 3, A bill to be entitled		ference Committee report.....	112
"An Act making appropriation to de-		Signed	117
fray the contingent expenses of the		House bill No. 7, A bill to be entitled	
Thirty-first Legislature of the State of		"An Act providing conditions upon	
Texas, convened July 19, 1910, by pro-		which insurance companies writing con-	
clamation of the Governor, and declaring		tracts or policies of insurance against	
an emergency."		the hazard of fire may transact busi-	
Received from House.....	11	ness in the State of Texas, and provid-	
Read first time, and referred to		ing for the making promulgation, reg-	
Finance Committee	11	ulation and control of schedules, rates	
Reported favorably and be not		and premiums, and forms of policies;	
printed	13	and to prevent discrimination therein,	
Constitutional rule suspended; Sen-		and to create a State Insurance Board,	
ate rule suspended; committee re-		and prescribing the duties and author-	
port adopted; read second time;		ity of said board, and each member	
passed to third reading; consti-		thereof; to appropriate money therefor,	
tutional rule suspended; read		and to provide penalties for violations	
third time and passed.....	13	of this act, and repealing Chapter 18	
Signed	14	of the General Laws of the State of	
House bill No. 5, A bill to be entitled		Texas, passed by the First Called Ses-	
"An Act to prohibit the exhibition or		sion of the Thirty-first Legislature, and	
representation of prize fights and glove		all other laws and parts of laws in con-	
contests by moving picture films or		flict therewith, and declaring an emer-	
other means, and creating an emer-		gency."	
gency."		Received from House.....	116
Received from House.....	35	Read first time, and referred to	
Read first time and referred to Ju-		Committee on Insurance, Statis-	
diciary Committee No. 2.....	35	tics and History.....	117

Reported favorably and be printed in Journal	119
Read second time; committee report adopted; amended; pending	132-139
Taken up; amended; passed to third reading; constitutional rule suspended; read third time and passed	150-154
House reports refusal to concur in Senate amendments and requests a Free Conference Committee....	158
Senate grants request for Free Conference Committee	159
Senate adopts Free Conference Committee report	170
House reports refusal to adopt Free Conference Committee report and requests another Free Conference Committee	178
Senate grants request for Free Conference Committee	178
Senate Free Conference Committee reports unable to agree and new committee appointed	180
New committee reports unable to agree and discharged	181
House reports Free Conference Committee discharged	182
(Died in Free Conference Committee.)	

House bill No. 9. A bill to be entitled "An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading, at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading, and non-negotiable or straight bills of lading, and prescribing certain requirements for all bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; providing for the division of all bills of lading into three series and defining each series; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets, except as prescribed in the terms of this act; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of

lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bill of lading under certain conditions; prescribing certain duties of general freight agents, or persons authorized to act for them and certain duties of local station agents or carriers, and providing for the making and preservation of copies of all bills of lading, subject to the inspection of interested parties, and providing for the certification of all signatures to all bills of lading by the general freight agents of carriers, or persons authorized to act for them; prescribing that carriers shall maintain an authorized agent at all places recognized by the Federal government as ports of entry, whose duties shall be the same as those prescribed for general freight agents in this act; prescribing certain duties for ship agents, charterers and owners of vessels; prescribing and defining the duties and liabilities of carriers with reference to the consignee named in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading, under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody and legal possession or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with references to issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Received from House	151
Read first time and referred to Committee on Internal Improvements	152
Reported favorably and be not printed	174
(Died on calendar.)	

House bill No. 10, A bill to be entitled "An Act making appropriation for the purpose of building, remodeling, repairing, equipping and completing the con-

struction of additions to the negro male and female departments and the dining hall at the State Lunatic Asylum at Austin; and for the purpose of remodeling, building, equipping and completing the construction of a reinforced concrete tunnel at said institution; and providing for the purchase of additional machinery for the steam laundry at said institution; providing the manner of expending such appropriations, and declaring an emergency."

Received from House.....	35
Read first time and referred to Finance Committee.....	35
Reported favorably and be not printed	36
Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time, and passed	39
Signed	47

House bill No. 13, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employees; providing for a complete system of accounting, bookkeeping and auditing for said departments with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk, and prescribing his duties; providing for filling vacancies in the office of the Comptroller; repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847 and 2848 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comptroller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

Received from House.....	51
Read first time and referred to Committee on State Affairs....	52
Reported favorably, with amendments	105
Read second time; committee report adopted; amended; pending	171

Taken up; amended; passed to third reading; constitutional rule suspended; read third time, and passed	179
House reports concurrence in Senate amendments.....	180
Signed	185

House bill No. 15, A bill to be entitled "An Act to amend Section 14 of Chapter 17, of the Acts of the Regular Session of the Thirty-first Legislature, the same being 'An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors and providing penalties for the violation of the provisions of this act, and declaring an emergency," and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the methods and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts

upon which forfeiture is based, and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith; requiring licenses to be issued under this act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this act takes effect in order to give time for securing licenses under this act, and providing that credit be allowed upon licenses to be obtained under this act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,' by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is enforced to keep such places of business closed from and after 6 o'clock p. m. until 7 o'clock a. m. of the next day, and to keep such places closed from 6 o'clock p. m. on Saturday until 7 o'clock a. m. on the following Monday of each week, and forbidding sale of any intoxicating liquors or the transaction of any business in such places within said hours, and prescribing penalties therefor, and declaring an emergency."

Received from House..... 111
Read first time and referred to
Judiciary Committee No. 2..... 112
(Died in committee.)

House bill No. 18, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island, across Galveston Bay, to connect as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county com-

missioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act."

Received from House..... 56
Read first time, and referred to
Committee on Towns and City
Corporations 57
Reported favorably and be not
printed 76
Senate rule suspended; committee
report adopted; read second
time; passed to third reading;
constitutional rule suspended;
read third time and passed..... 74
Signed 81

House bill No. 19, A bill to be entitled "An Act to amend Article 411ppp and 411qqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas, and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transaction of intoxicating liquors into any county, justice precinct, school district, city or town or subdivision of a county within this State where the sale of intoxicating liquors has been prohibited under the laws of this State; prescribing that a book shall be kept in which shall be entered the transactions pertaining to the receipt, shipment and transportation and delivery of such intoxicating liquors, and fixing penalties for the violations of this act, and declaring an emergency."

Received from House..... 99
Read first time and referred to Ju-
diciary Committee No. 2..... 99
Reported favorably, with amend-
ments; be not printed, but printed
in Journal 143

Read second time; committee report adopted; amended; passed to third reading; constitutional rule suspended; read third time and passed 161
 House reports concurrence in Senate amendments..... 163
 Signed 172

House bill No. 20, A bill to be entitled "An Act to prohibit the exchange, barter and sale of spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication within ten miles of the State University of Texas, and all branches thereof, including the Agricultural and Mechanical College; except for medicinal, mechanical or sacramental purposes and fixing the penalty therefor, repealing all laws in conflict herewith, and declaring an emergency."
 Received from House..... 73
 Read first time and referred to Judiciary Committee No. 2..... 73
 (Died in committee.)

House bill No. 23, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquor has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."
 Received from House..... 151
 Read first time, and referred to Judiciary Committee No. 2..... 152
 Reported favorably with amendments and be not printed..... 185
 (Died on calendar.)

House bill No. 29, A bill to be entitled "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency.'
 Received from House..... 86
 Read first time, and referred to Committee on Towns and City Corporations 87
 Reported favorably and be not printed 105
 Read second time; committee report adopted; passed to third reading 113
 Read third time and passed..... 157
 Signed 172

House bill No. 30, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."
 Received from House..... 86
 Read first time, and referred to Committee on Judicial Districts.. 87
 Reported favorably and be not printed 105
 Constitutional rule suspended; Senate rule suspended; committee report adopted; read second time; passed to third reading; constitutional rule suspended; read third time and passed 91
 Signed 104

House bill No. 31, A bill to be entitled "An Act making appropriations for repairing, improving and constructing a sewerage system and for general repairs at the North Texas Hospital for the Insane, and declaring an emergency."
 Received from House..... 130
 Read first time and referred to Finance Committee 131
 Reported favorably and be not printed 141
 Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time and passed..... 159
 Signed 173

House bill No. 32, A bill to be entitled "An Act to authorize the Secretary of State in his discretion to require an affidavit of incorporation before filing charter, and declaring an emergency."
 Received from House..... 166
 Read first time, and referred to Committee on Internal Improvements 166
 Reported favorably and be not printed 175
 (Died on calendar.)

House bill No. 33, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled, or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from 'spiders,' exposed ends of bands, or any exposed or any obtruding part of the ties, bands, buckles, or splices used in tying or baling such bale of cotton; and to provide pen-

alties therefor; and prescribing the duties of the Commissioner of Labor, and providing means of reimbursing him and his deputies for expenditures in performing such duties, and declaring an emergency."

Received from House..... 130
Read first time, and referred to Judiciary Committee No. 1..... 131
Reported favorably and be not printed 173
(Died on calendar.)

House bill No. 34, A bill to be entitled "An Act making appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum, and to put them in safe working condition, providing the manner of expenditure of such appropriation, and declaring an emergency."

Received from House..... 129
Read first time, and referred to Finance Committee 129
Reported favorably and be not printed 140
Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time and passed..... 160
Signed 172

House bill No. 35, A bill to be entitled "An Act to require the erection and maintenance of buildings for the protection from rain, wind, and inclement weather of employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and repealing the act of the Thirty-first (31st) Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of such railroad company,' approved 17th day of March, 1909."

Received from House..... 136
Read first time, and referred to Committee on Internal Improvements 136
Reported favorable majority and be printed in Journal; adverse minority 174
Read second time; majority report adopted; passed to third reading. 179
(Died on calendar.)

House bill No. 37, A bill to be entitled "An Act to amend Article 359, Chapter

4, Title 10, of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house, so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept for the purpose of sale as to require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as a retail malt liquor dealer."

Received from House..... 130
Read first time, and referred to Judiciary Committee No. 2..... 131
Reported favorably; be not printed, but be printed in Journal..... 141
Read second time; passed to third reading; constitutional rule suspended; read third time and passed 158-159
Signed 172

House bill No. 38, A bill to be entitled "An Act denouncing as a nuisance any place, room or building in any county, justice precinct, town, city or subdivision of a county as may be designated by the commissioners court of said county in which the sale of intoxicating liquors have been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquor in violation of law; also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose, and the tools, appliances and furniture used therewith, prescribing a suitable procedure for the search and seizure of any such liquor, tools, appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein; also to prevent by means of the writ of injunction at the suit of the State or any citizen thereof, the use or the contemplated use, or threatened use, of any such place, room or building, or the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith, for any such illegal purpose, and declaring an emergency."

Received from House..... 137
Read first time, and referred to Judiciary Committee No. 1..... 137
Reported favorably and be printed in Journal 145

Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time and passed..... 168
Signed 185

House bill No. 40, A bill to be entitled "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter to provide for a commission form of government, to define its powers and to prescribe its duties and liabilities, to provide for the approval of said charter by the qualified electors of said city, and to declare an emergency, and to repeal all acts in conflict herewith."

Received from House..... 99
Read first time, and referred to Committee on Towns and City Corporations 99
Reported favorably and be not printed 118
Senate rule suspended; committee report adopted; read second time; passed to third reading; constitutional rule suspended; read third time and passed..... 110
Signed 172

House bill No. 41, A bill to be entitled "An Act to amend Section 4, Article 5, of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the appointment and removal of officers and employees of said city, and declaring an emergency."

Received from House..... 116
Read first time, and referred to Committee on Towns and City Corporations 117
Reported favorably and be not printed 141
Senate rule suspended; committee report adopted; read second time; passed to third reading; constitutional rule suspended; read third time and passed..... 131
Signed 140

House bill No. 42, A bill to be entitled "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; imposing occupation tax

upon persons, firms, corporations and associations of persons selling such liquors in such territory; requiring such persons, before selling such liquors, to procure a license, and providing the terms and conditions upon which such license may be issued; requiring such persons desiring to sell such liquors in such territory to execute bonds, and prescribing the conditions of such bonds; providing that no such person shall sell such liquors except upon the prescription of a regular practicing physician, and what such prescriptions shall contain before such sale is made; and providing that persons selling such liquors shall make and file with the county attorney or county clerk certain reports, and shall so file all prescriptions filled by them, and providing that physicians issuing such prescriptions shall make certain reports of all prescriptions issued by them, and providing for their filing such reports and duplicates of all prescriptions issued by them with the county attorney; and providing for the forfeiture of the license of such physician for failing to file such reports or for filing false reports or for writing such prescriptions when patient not sick; providing for the revocation, under certain conditions, of all such license to sell liquor in such territory; and providing penalties for the violation of the provisions of this act, and declaring an emergency."

Received from House..... 163
Read first time, and referred to Judiciary Committee No. 2..... 163
Reported favorably and be not printed 176
Constitutional rule suspended; Senate rule suspended; committee report adopted; read second time; passed to third reading; constitutional rule suspended; read third time and passed..... 164
Signed 173

House bill No. 43, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether capable of producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house; providing a penalty for the violation of this act, and declaring an emergency."

Received from House..... 166
Read first time, and referred to Judiciary Committee No. 2..... 166

Reported favorably and be not
printed 175
(Died on calendar.)

House bill No. 44, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

Received from House 129

Read first time and referred to
Committee on Roads, Bridges and
Ferries 129

Reported favorably and be not
printed 141

Read second time; committee re-
port adopted; passed to third
reading; constitutional rule sus-
pended; read third time, and
passed 156

Signed 172

House Joint Resolution No. 1 (C. S.
H. J. R. Nos. 1 and 2), Ratifying the
Sixteenth Amendment to the Constitu-
tion of the United States of America.

Received from House 56

Read first time and referred to
Committee on Constitutional
Amendments 57

Reported favorably and be not
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(Died on calendar.)

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Received from House 29

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verse minority 70

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ernor J. Y. Sanders of Louisiana.

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Reported favorably and be not
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Received from House 57

Read and referred to Committee on
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Reported favorably and be not
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port adopted; adopted 79

Signed 94

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Received from House 78

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District No. 1—J. M. Terrell.....	Texarkana, Texas.
District No. 2—J. L. Ratliff.....	Cooper, Texas.
District No. 3—B. B. Sturgeon.....	Paris, Texas.
District No. 4—R. E. Cofer.....	Gainesville, Texas.
District No. 5—Tom W. Perkins.....	McKinney, Texas.
District No. 6—E. G. Senter.....	Dallas, Texas.
District No. 7—W. J. Greer.....	Wills Point, Texas.
District No. 8—Charles L. Brachfield.....	Henderson, Texas.
District No. 9—W. R. Holsey.....	Corsicana, Texas.
District No. 10—Pierce B. Ward.....	Cleburne, Texas.
District No. 11—H. B. Terrell.....	West, Texas.
District No. 12—A. J. Harper.....	Mexia, Texas.
District No. 13—.....	Vacant.
District No. 14—E. I. Kellie.....	Jasper, Texas.
District No. 15—McDonald Meachum.....	Navasota, Texas.
District No. 16—F. Charles Hume, Jr.....	Houston, Texas.
District No. 17—J. E. Kauffman.....	Galveston, Texas.
District No. 18—D. A. Paulus.....	Hallettsville, Texas.
District No. 19—Q. U. Watson.....	Giddings, Texas.
District No. 20—John L. Peeler.....	Austin, Texas.
District No. 21—F. C. Weinert.....	Seguin, Texas.
District No. 22—W. O. Murray.....	Floresville, Texas.
District No. 23—John G. Willacy.....	Corpus Christi, Texas.
District No. 24—Julius Real.....	Kerrville, Texas.
District No. 25—C. B. Hudspeth.....	El Paso, Texas.
District No. 26—W. N. Adams.....	Brownwood, Texas.
District No. 27—E. B. Mayfield.....	Meridian, Texas.
District No. 28—W. J. Bryan.....	Abilene, Texas.
District No. 29—J. W. Veale.....	Amarillo, Texas.
District No. 30—D. M. Alexander.....	Weatherford, Texas.
District No. 31—C. V. Terrell.....	Decatur, Texas.
Secretary—Clyde D. Smith.....	Austin, Texas.
Journal Clerk—R. M. Gilmore.....	Wills Point, Texas.

SENATE JOURNAL.

THIRTY-FIRST LEGISLATURE—FOURTH CALLED SESSION PROCEEDINGS.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Thursday, August 18, 1910.

In obedience to the proclamation of His Excellency, T. M. Campbell, Governor of the State of Texas, convening the Legislature in Special Session, this, the 18th day of August, 1910, the Senate met in the Senate Chamber of the Capitol, in the city of Austin, at 8:30 o'clock a. m., and was called to order by Lieutenant Governor A. B. Davidson.

TEMPORARY OFFICERS.

The Chair appointed the following temporary officers:

Clyde D. Smith, Secretary.
R. M. Gilmore, Journal Clerk.
M. F. Hornbuckle, Sergeant-at-Arms.
J. R. Waties, Doorkeeper.

ROLL CALL.

The Chair directed the roll called, a quorum being present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Perkins.	Veale.
Sturgeon.	Willacy.
Terrell of Wise.	

VACANT.

District No. 13, on account of the death of Senator Stokes.

PROCLAMATION CONVENING THE LEGISLATURE.

The Chair directed the reading of the following proclamation by the Governor:

Executive Office,
State of Texas.

Austin, August 17, 1910.

To the Legislature:

I have the honor to transmit herewith proclamation of the Governor of the State of Texas, convening the Legislature in Special Session, to meet in the city of Austin, Texas, beginning at eighty-three o'clock a. m., Thursday, August 18, A. D. 1910, for the purposes contained in said proclamation.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

Executive Office,
State of Texas.

I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a Special Session of the Thirty-first Legislature to convene in the city of Austin, Texas, beginning at 8:30 o'clock a. m. Thursday, August 18, A. D. 1910, for the following purposes and for legislation on the following subjects, to-wit:

1. Legislation amending Articles 4549 and 4950, of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and to prescribe the conditions

upon which the purchaser, or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of such new corporation and of the old corporation after the sale of its property and franchises, and providing for the protection of holders of claims against the old corporation, including claims for death and for personal injuries sustained in the operation of the railroad by the company or by any receiver thereof, and for loss of and damages to property sustained in the operation of the railroad by such company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs, and such other legislation in respect to the subject here mentioned as may be appropriate and necessary in the premises.

2. Legislation providing for a Board of Prison Commissioners, Superintendent of Prisons and other officers and employees, and for the care, management, discipline and method of employment of convicts confined in the State penitentiaries; providing for the working of convicts on State account, and the passage of such further laws relating to the State's penitentiary system as the Legislature, in its wisdom, may enact.

3. The enactment of adequate laws defining "bills of lading" and defining the word "carriers." Providing that it shall be the duty of common carriers, and their officers and agents, to issue negotiable bills of lading and straight or non-negotiable bills of lading at the request of the shipper, between certain places to be prescribed in the law, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading and prescribing the necessary requirements for all bills of lading; to make all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange and promissory notes and prohibiting the placing upon negotiable bills of lading any terms which would in any manner limit their negotiability; and providing for the division of bills of lading into such different series as may be appropriate and defining each series, prescribing how bills of lading shall be issued and prohibiting the issuing of negotiable bills of lading in part or parts, except as prescribed by law; prescribing the duties of general freight agents or

persons authorized to act for them and the duties of local station agents of common carriers, and for such additional legislation on this subject as business conditions and the general welfare may demand.

4. Legislation requiring persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, haled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from "spiders." exposed ends of bands or any exposed or any obtruding part of the ties, bands, buckles or splices used in tying or baling such bale of cotton, and to provide penalties and methods of enforcement of the laws enacted on this subject.

5. Legislation requiring the erection and maintenance of buildings for the protection from rain, wind and inclement weather of employees engaged in repairing railroad cars and other railroad equipment, and providing penalties for violations, and regulating suits for such penalties, and such further legislation upon this subject as may be appropriate and is necessary to provide proper protection to employees engaged in such work.

6. To enact a law repealing the law enacted by the Thirty-first Legislature at its First Called Session, known as Chapter 18, and entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurance, and to prevent discrimination therein and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency," and to enact adequate laws regulating and fixing rates and preventing unjust discriminations by fire insurance companies and to prevent combinations between such companies to destroy competition in fire insurance rates in Texas, and to provide penalties therefor and to provide all necessary means for the enforcement of such laws.

7. To consider and act upon such other matters as may hereafter be presented by me, pursuant to Section 40, Article 3, of the Constitution of the State of Texas.

In testimony whereof, I have set my hand and caused the seal of the State

of Texas to be affixed at Austin, Texas, this the 17th day of August, A. D. 1910.
(Seal.) T. M. CAMPBELL,
Governor of Texas.

By the Governor:
W. B. TOWNSEND,
Secretary of State.

PRESIDENT PRO TEM.—ELECTION OF.

The Chair announced that the election of a President Pro Tem. was in order, and called for nominations for that place.

Senator Cofer nominated Senator Weinert for President Pro Tem. for the ensuing term.

Senator Weinert arose and stated that, while he appreciated the courtesy, he desired to place in nomination for the place Senator E. G. Senter, and asked that the nomination of himself be withdrawn.

Senator Cofer withdrew the nomination.

Senator Weinert then placed Senator Senter in nomination for President Pro Tem. of the Fourth Called Session of the Senate of the Thirty-first Legislature.

Senators Kellie, Adams, Hume, Terrell of Bowie, Bryan, Ratliff, Cofer, Kauffman, Greer, Alexander, Ward, Watson, Holsey, Murray, Hudspeth, Peeler and Mayfield seconded the nomination of Senator Senter.

There being no other nominations, the Chair declared nominations closed, and asked the Senators to prepare their ballots.

Senators Ratliff, Greer and Brachfield were appointed as tellers to count the vote.

Senator Senter received 24 votes, all the votes cast, and the Chair declared him duly and constitutionally elected President Pro Tem. of the Senate of the Fourth Called Session of the Thirty-first Legislature.

The Chair appointed Senators Mayfield, Weinert and Holsey to escort Senator Senter to the President's stand, whereupon the constitutional oath of office was administered him by Lieutenant Governor Davidson.

The Chair introduced President Pro Tem. Senter to the Senate, who addressed them, expressing his appreciation of the honor conferred upon him by the Senate.

HOUSE ORGANIZED.

A committee of three members of the House of Representatives here appeared at the bar of the Senate, and notified the Senate that the House was organized and ready for business.

SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Resolved, By the Senate that the President appoint a committee of three, whose duty it shall be to recommend to the Senate the number and names of employes to be retained in the service of the Senate during this the Fourth Called Session of the Thirty-first Legislature.

The resolution was read and adopted. In accordance with the above resolution, the Chair appointed Senators Terrell of Bowie, Murray and Ratliff as the committee provided for therein.

PERMANENT ORGANIZATION.

The Senate then proceeded to permanent organization, and the following officers were nominated and elected:

Senators Cofer, Bryan and Terrell of McLennan were appointed tellers.

Nominations for Secretary being in order, Clyde D. Smith of Wichita county was nominated by Senator Brachfield.

There were no other nominations.

Mr. Smith received 21, all the votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Sergeant-at-Arms, Senators Brachfield and Mayfield nominated M. F. Hornbuckle of Bosque county.

There were no other nominations.

Mr. Hornbuckle received 24, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Door-keeper, on motion of Senator Brachfield, J. R. Waties of Harris county was nominated.

There were no other nominations.

Mr. Waties received 23, all votes cast, and was declared duly and constitutionally elected.

Nominations for Journal Clerk being in order, Senator Peeler placed in nomination R. M. Gilmore of Van Zandt county.

There were no other nominations.

Mr. Gilmore received 23, all votes cast, and was declared duly and constitutionally elected.

Nominations for Calendar Clerk being in order, on motion of Senator Adams, C. J. Duggan of Jones county was nominated.

There were no other nominations.

Mr. Duggan received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Secretary being in order, on motion of Senator Brachfield, R. M. Love of Limestone county was nominated.

There were no other nominations.

Mr. Love received 21, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Sergeant-at-Arms being in order, on motion of Senator Harper, D. F. Hughes of Limestone county was nominated.

There were no other nominations.

Mr. Hughes received 23, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Assistant Doorkeeper, on motion of Senator Brachfield, E. L. Dreeben of Howard county was nominated.

There were no other nominations.

Mr. Dreeben received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Journal Clerk being in order, on motion of Senator Paulus, J. L. Haidusek of Fayette county, was nominated.

There were no other nominations.

Mr. Haidusek received 24, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Engrossing Clerk, on motion of Senator Brachfield, F. P. Smith of Cooke county was nominated.

There were no other nominations.

Mr. Smith received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Enrolling Clerk being in order, on motion of Senator Brachfield, S. E. Gideon of Smith county was nominated.

There were no other nominations.

Mr. Gideon received 23, all votes cast, and was declared duly and constitutionally elected.

Nominations for Chaplain being in order, Rev. H. M. Sears was nominated by Senator Brachfield.

There were no other nominations.

Rev. Sears was elected by acclamation.

Senator Brachfield then moved that further election of officers and employees be postponed until the committee appointed today, to recommend who should be employed, had reported.

The motion prevailed.

OATH OF OFFICE ADMINISTERED.

The Chair here administered the constitutional oath of office to the following elected officers:

Clyde D. Smith, Secretary.
M. F. Hornbuckle, Sergeant-at-Arms.
J. R. Waties, Doorkeeper.
R. M. Gilmore, Journal Clerk.
C. J. Duggan, Calendar Clerk.
R. M. Love, Assistant Secretary.
D. F. Hughes, Assistant Sergeant-at-Arms.
E. L. Dreeben, Assistant Doorkeeper.
J. L. Haidusek, Assistant Journal Clerk.
F. P. Smith, Engrossing Clerk.
S. E. Gideon, Enrolling Clerk.

SIMPLE RESOLUTION.

By Senator Senter:

"Resolved, That the President of the Senate be authorized and requested to appoint a special committee to consist of seven members of the Senate, which shall be authorized to sit concurrently with a committee of the House for the purpose of preparing and reporting a bill relating to the management of the penitentiary system of the State.

WEINERT,
HUDSPETH,
BRACHFIELD,
PAULUS,
HARPER,
BRYAN,
SENER,
MEACHUM.

The resolution was read and adopted.

NOTIFICATION COMMITTEES — APPOINTMENT OF.

Senator Alexander moved that a committee of three members be appointed to notify the Governor that the Senate was organized and ready for business, also a like committee to notify the House.

The motion prevailed, and the Chair appointed the following committees:

To notify the Governor—Senators Alexander, Ward and Senter.

To notify the House—Senators Kellie, Harper and Peeler.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Resolved, That each Senator and the President of the Senate be permitted to subscribe for five newspapers to be paid for out of the contingent expense fund of the Senate.

Senator Cofer offered the following amendment:

Amend by changing "five" to "three."

COFER,
GREER.

Senator Hudspeth moved to table the amendment, which motion prevailed by the following vote:

Yeas—13.

Adams.	Meachum.
Alexander.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Watson.
Kellie.	

Nays—9.

Brachfield.	Mayfield.
Bryan.	Terrell of McLennan.
Cofer.	Ward.
Greer.	Weinert.
Holsey.	

Absent.

Murray.	Terrell of Bowie.
Perkins.	Terrell of Wise.
Ratliff.	Veale.
Sturgeon.	Willacy.

The resolution was then adopted.

REPORT OF NOTIFICATION COMMITTEES.

Here the special committees appointed to notify the Governor and the House of Representatives that the Senate was organized and ready for business, made their respective reports and were discharged.

ORGANIZATION COMPLETED.

The Chair here stated that the Senate being organized and ready for business,

the regular order of business would be called.

BILLS AND RESOLUTIONS.

By Senator Weinert:

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, out of the public revenue not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Weinert:

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senators Brachfield and Kauffman:

Senate bill No. 3, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, re-compressed, baled or re-baled shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor; and making an appropriation for the Bureau of Labor Statistics; and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Senter and Brachfield:

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equip-

ment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties, and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

Read first time, and referred to Committee on Internal Improvements.

By Senator Hudspeth:

Senate bill No. 5, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

(Referred by President Pro Tem. Senator.)

By Senators Peeler, Harper, Kellie, Bryan and Cofer:

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 1549 and 4550, of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribing the conditions upon which the purchaser or purchasers and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

SENATE BILL NO. 1.

The Finance Committee having made a favorable report on Senate bill No. 1, on motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.

Absent.

Holsey.	Terrell of McLennan.
Meachum.	Terrell of Wise.
Perkins.	Veale.
Sturgeon.	Willacy.

(President Pro Tem. Senter in the chair.)

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.

Absent.

Holsey.	Terrell of McLennan.
Meachum.	Terrell of Wise.
Perkins.	Veale.
Sturgeon.	Willacy.

On motion of Senator Weinert, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, out of the public revenue not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Holsey.	Terrell of Wise.
Perkins.	Veale.
Sturgeon.	Willacy.
Terrell of McLennan.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kauffman.	Weinert.
Kellie.	

Absent.

Holsey.	Terrell of Bowie.
Murray.	Terrell of Wise.
Perkins.	Veale.
Ratliff.	Willacy.
Sturgeon.	

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 2.

The Finance Committee having made a favorable report on Senate bill No. 2,

On motion of Senator Weinert, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Holsey.	Terrell of Wise.
Kauffman.	Veale.
Perkins.	Willacy.
Sturgeon.	

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Perkins.	Veale.
Sturgeon.	Willacy.
Terrell of Wise.	

On motion of Senator Weinert, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-

first Legislature of Texas, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kauffman.	Weinert.

Absent.

Murray.	Terrell of Bowie.
Perkins.	Terrell of Wise.
Ratliff.	Veale.
Sturgeon.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Weinert.

Nays—1.

Watson.

Absent.

Murray.	Terrell of Bowie.
Perkins.	Terrell of Wise.
Ratliff.	Veale.
Sturgeon.	Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, Our co-worker and much-beloved Senator, the Hon. Jno. G. Wil-

lacy, has had to absent himself from this body and return to his home on account of illness; and

Whereas, Our State is deprived of a most valuable legislator and a conscientious and faithful worker; therefore be it

Resolved, That we wish for our friend and colleague an early recovery and a speedy return to his labors and friends in the Senate.

HUDSPETH,
WATSON,
MEACHUM.

The resolution was read and adopted.

EXCUSED.

On account of sickness:

Senator Willacy for today and balance of this week, on motion of Senator Alexander.

On account of important business:

Senator Sturgeon for today and balance of this week, on motion of Senator Cofer.

Senator Veale for today and balance of this week, on motion of Senator Alexander.

Senator Terrell of Wise for today and balance of this week, on motion of Senator Peeler.

Senator Perkins for today and balance of this week, on motion of Senator Terrell of Bowie.

AT EASE.

On motion of Senator Kellie, the Senate was at ease subject to call.

IN SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

SPECIAL COMMITTEE — APPOINTMENT OF.

In accordance with a simple resolution, adopted today, providing for the appointment of a committee to act with a like committee on part of the House to draft a bill on the penitentiary matter, the Chair appointed the following committee: Senators Weinert, Hudspeth, Paulus, Greer, Alexander, Murray and Senter.

SPECIAL COMMITTEE—REPORT OF.

By Senator Terrell of Bowie:

Austin, Texas, August 18, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to recommend to the Senate the names of employes who in our judgment should be retained during the Fourth Called Session of the Thirty-first Legislature, beg leave to submit the following report:

That Misses Iva Chaffin, Jennie Brin, Eula Hurlock, Theodora Bell, Addie Connover, Jennie Daughtery, and Messrs. W. R. Vermillion and Terry Hausmann be retained and elected as stenographers.

That P. J. Alexander and Miss Bonner Whittaker be retained and elected as general committee clerks to be assigned to their duties by the Lieutenant Governor.

That R. J. Waldeck be retained and elected as Private Secretary to the Lieutenant Governor.

That we recommend that the Lieutenant Governor retain the present pages and porters.

That Dennis Corwin be retained and elected as Bookkeeper for the Sergeant-at-Arms.

Respectfully submitted,
TERRELL of Bowie,
MURRAY,
RATLIFF.

We recommend that Mrs. A. T. Shirley be retained as Postmistress.

MURRAY,
RATLIFF.

The report was read and adopted.

The Chair announced that the appointments as provided for in the above report were made.

SIMPLE RESOLUTION.

By Senator Terrell of McLennan:

Whereas, The Governor of this State has requested the Legislature to enact a law creating a Board of Prison Commissioners, and to enact other laws looking to a reorganization of the penitentiary system of this State; and

Whereas, The Thirty-first Legislature created an investigation committee whose duty was to make an investigation of the State's penal system; and

Whereas, The committee has completed its labors and filed its report with the Governor of Texas; therefore be it

Resolved, By the Senate that two hundred and fifty copies of said report, together with all testimony taken by the committee, be ordered printed for the use of the members of the Legislature.

On motion of Senator Hume, the resolution was laid on the table subject to call.

AT EASE.

On motion of Senator Meachum, the Senate was at ease, subject to call of the Chair.

IN SESSION.

The Senate was called to order by Lieutenant Governor Davidson, and several committee reports were filed.

ADJOURNMENT.

On motion of Senator Meachum, the Senate adjourned until 4 o'clock p. m. Saturday.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 18, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Weinert, Chairman; Murray, Peeler, Paulus, Harper, Brachfield, Meachum, Holsey.

(Floor Report.)

Austin, Texas, August 18, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 5, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Brachfield, Watson, Terrell of McLennan, Mayfield. Willacy, Hume, Alexander.

(Floor Report.)

Austin, Texas, August 18, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, out of the public revenue not otherwise appropriated, to pay the per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Weinert, Chairman; Murray, Peeler, Paulus, Harper, Brachfield, Meachum, Holsey.

Committee Room,

Austin, Texas, August 18, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-

first Legislature of Texas, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, August 18, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, out of the public revenue not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

SECOND DAY.

Senate Chamber.

Austin, Texas.

Saturday, August 20, 1910.

Senate met pursuant to adjournment, and, in the absence of Lieutenant Governor Davidson, President of the Senate, and President Pro Tem. Senter, the Senate was called to order by the Secretary of the Senate, Clyde D. Smith.

Roll call, no quorum being present. the following Senators answering to their names:

Brachfield.	Mayfield.
Bryan.	Paulus.
Greer.	Peeler.
Holsey.	Ratliff.
Kellie.	Terrell of Bowie.

Absent.

Adams.	Murray.
Alexander.	Real.
Cofer.	Senter.
Harper.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kauffman.	Weinert.
Meachum.	

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.
Terrell of Wise.	

ADJOURNMENT.

There being no quorum present, on motion of Senator Terrell of Bowie, the Senate adjourned until Monday morning at 10 o'clock.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Monday, August 22, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Cofer.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.
Senter.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

SIMPLE RESOLUTION.

By Senator Watson:

Be it resolved by the Senate, That ex-Lieutenant Governor Geo. D. Neal, who is now in the city, be and he is hereby extended all the privileges of the floor of the Senate during his stay in the city.

The resolution was read and adopted.

BILLS AND RESOLUTIONS.

By Senators Hudspeth, Brachfield, Willacy and Terrell of Bowie:

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional

to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

SENATE BILL NO. 5.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 5, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kauffman.	Watson.
Kellie.	

Absent.

Cofer.	Terrell of Bowie.
Meachum.	Terrell of Wise.
Real.	Weinert.
Senter.	Willacy.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.

Absent.

Cofer.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Weinert.
Senter.	Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 19, 1910.

To the Legislature:

By an act of the Legislature passed at the Regular Session of the Thirty-first Legislature, and approved on March 20, 1909, a committee on investigation, com-

posed of four Senators and five members of the House of Representatives, was appointed to visit the Huntsville and Rusk penitentiaries, and all other places as was necessary in their judgment and such committee was authorized to hold their meetings in the State at such places as they deemed advisable. The committee was, by said act of the Legislature, instructed "to make a thorough and complete examination of the financial conditions of the penitentiary system, employing such help as was deemed necessary, to the end that a full, fair, complete and exhaustive examination be made of the entire penitentiary system, covering a period from January 1, 1907, and prior to that time, if deemed necessary by the committee, to the present time." The committee was "further instructed to make an investigation of the Iron Industry at Rusk, and in its report make such recommendations as to the future operation of such Iron Industry as they believed, after such investigation, would best subserve the State's interests, and especially to recommend whether or not in their judgment such industry should be abandoned or its operation continued by the State." That said committee should "investigate the conditions of the said penitentiaries, and of all farms, camps and trains where convicts are worked or kept, as to the food, clothing, health and treatment of the convicts, and all matters pertaining to the discipline, safe-keeping and reformation." The committee was empowered to issue all necessary process, to summon witnesses in the name of the State, to appear before it under oath, to swear witnesses, summoned before it, and by a majority vote punish for contempt in like manner and to the same extent and under the same rules as a district court, and that a record should be kept of all testimony. The act further provided that the committee "shall perform its duties as soon after the adjournment of the Legislature as it may deem practicable, and when its labors have been performed, it shall make a written report to the Governor of the State, together with all the evidence taken during the investigation."

Pursuant to and in accordance with the provisions of said act, the committee was appointed by the presiding officers of the House and Senate, respectively; and, having performed the duties devolving upon the members thereof, the said committee filed the following reports and communications with the Gov-

error of the State, together with the evidence taken during the investigation:

1. A preliminary report, with recommendations, transmitted with a letter addressed to the Governor by Hon. C. E. Gilmore, Chairman, and dated November 24, 1909, which report is marked "No. 1, Preliminary Report."

2. Report on the Iron Industry, dated January 25, 1910, and marked "Report No. 2, Iron Industry," which report recommends the abandonment of the operation of the Iron Industry by the State, and is signed by Messrs. Paulus, Weinert, Stamps, Hudspeth, Moller and Lee.

3. The report of the Corporation Audit Company, a firm of accountants employed to audit the books and accounts of the penitentiary system for a period of eight years, prior to September 1, 1909, marked "Exhibit A." The journal of the proceedings of the committee, containing also a copy of the itemized accounts of all expenses incurred, marked "Exhibit C." And a copy of all testimony taken before the committee and various subcommittees, marked "Exhibits 1 to 6," inclusive.

4. Accounts and notes receivable dropped from the records of the system, marked "Exhibit A," and accounts receivable, Huntsville, August 31, 1909, also marked "Exhibit A."

5. The report of the subcommittee, dated February 14, 1910, appointed to prepare a report in compliance with the request of the Governor, made on November 16, 1909, that the committee "furnish to him the name of any officer, sergeant, guard or other person now in the employ of the penitentiary system who had been found guilty of any violation of the law, or of any mistreatment of convicts since January 15, 1907, the beginning of the present administration, the nature of the offense charged, the time and place, and the names of the witnesses in each case," together with letter from Hon. C. E. Gilmore, dated February 17, 1910, transmitting to the Governor the said report, marked "Exhibit D."

6. Letter from Hon. C. E. Gilmore, dated April 29, 1910, accompanying said exhibits.

7. Letter from Senator F. C. Weinert, member of the committee, protesting against the filing of the testimony taken by the committee until that portion denominated by him as illegal and not privileged, is eliminated, and marked "Exhibit F."

8. The final report of the committee,

dated February 17, 1910, marked "Final Report of Penitentiary Investigating Committee."

These several reports, exhibits and recommendations I now have the honor to lay before the Legislature for your information, and for such disposition as your honorable bodies may deem appropriate. The act of the Legislature providing for the investigation of the State penitentiaries originated in the Senate, and custom as well as propriety suggests that all proceedings thereunder should be submitted to that branch of the Legislature, but as the Senate is not now in session and will not be in session until tomorrow afternoon, the said reports, exhibits and recommendations will accompany the message to the House of Representatives.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 18, 1910.

To the Senate:

The advice and consent of the Senate is respectfully requested to the following appointment:

District Attorney of the Fourth Judicial District of Texas—B. W. Baker, of Panola county, effective September 1, 1910, vice W. R. Jones, resigned, effective September 1, 1910.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Brachfield moved that the Senate go into executive session tomorrow morning at 11 o'clock for the purpose of considering the above appointment.

The motion prevailed.

AT EASE.

The calendar being clear, Senator Kellie moved that the Senate recess until 2:30 o'clock today, and

Senator Terrell of Bowie moved, as a substitute, that the Senate stand at ease subject to the call of the Chair.

The substitute motion prevailed.

IN SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

By unanimous consent, Senator Hudspeth filed a committee report on Senate bill No. 7.

SENATE BILL NO. 7.

The Committee on Insurance, Statistics and History having made a favorable report on Senate bill No. 7,

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Cofer.	Sturgeon.
Hume.	Terrell of Wise.
Meachum.	Ward.
Real.	Willacy.
Senter.	

On motion of Senator Hudspeth, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Cofer.	Sturgeon.
Hume.	Terrell of Wise.
Meachum.	Ward.
Real.	Willacy.
Senter.	

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading.

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State, to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

The bill was read, and

Senator Mayfield offered the following amendment:

Amend the bill, page 4, line 17, by changing the period after the word "risk" into a comma and adding the following: "Provided, there shall be no unjust discriminations."

Senator Hudspeth moved to table the amendment, which motion to table prevailed.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all

of Section 13 after the words "not for profit."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Cofer.	Senter.
Hume.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Nays—1.

Terrell of McLennan.

Absent.

Cofer.	Senter.
Hume.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Kellie, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

ADJOURNMENT.

There being nothing on the calendar, On motion of Senator Watson, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 22, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring

IN SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

By unanimous consent, Senator Hudspeth filed a committee report on Senate bill No. 7.

SENATE BILL NO. 7.

The Committee on Insurance, Statistics and History having made a favorable report on Senate bill No. 7,

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Cofer.	Sturgeon.
Hume.	Terrell of Wise.
Meachum.	Ward.
Real.	Willacy.
Senter.	

On motion of Senator Hudspeth, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Absent.

Cofer.	Sturgeon.
Hume.	Terrell of Wise.
Meachum.	Ward.
Real.	Willacy.
Senter.	

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading.

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State, to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

The bill was read, and

Senator Mayfield offered the following amendment:

Amend the bill, page 4, line 17, by changing the period after the word "risk" into a comma and adding the following: "Provided, there shall be no unjust discriminations."

Senator Hudspeth moved to table the amendment, which motion to table prevailed.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all

of Section 13 after the words "not for profit."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Cofer.	Senter.
Hume.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Greer.	Ratliff.
Harper.	Terrell of Bowie.
Holsey.	Veale.
Hudspeth.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	

Nays—1.

Terrell of McLennan.

Absent.

Cofer.	Senter.
Hume.	Sturgeon.
Meachum.	Terrell of Wise.
Real.	Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Kellie, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

ADJOURNMENT.

There being nothing on the calendar, On motion of Senator Watson, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 22, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring

the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Brachfield, Watson, Mayfield, Terrell of McLennan, Hume, Veale, Kauffman, Alexander.

Committee Room,
Austin, Texas, August 22, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, August 23, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal: yesterday, on motion of Senator Cofer. the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

EXCUSED.

The following Senators were excused for non-attendance upon the Senate:

Senator Cofer for Saturday and yesterday, on motion of Senator Sturgeon.

Senator Meachum for Saturday and yesterday, on motion of Senator Harper.

Senator Sturgeon for yesterday, on motion of Senator Cofer.

Senator Real for Saturday and yesterday, on motion of Senator Alexander.

Senator Harper for Saturday, on motion of Senator Ward.

Senator Senter for Saturday and yesterday, on motion of Senator Hudspeth.

Senator Adams for Saturday, on motion of Senator Terrell of Bowie.

Senator Weinert for Saturday, on motion of Senator Sturgeon.

Senator Terrell of Wise for yesterday, on motion of Senator Peeler.

Senator Hudspeth for Saturday, on motion of Senator Terrell of Bowie.

Senator Alexander for Saturday, on motion of Senator Perkins.

Senator Watson for Saturday, on motion of Senator Terrell of Bowie.

On account of sickness:

Senator Willacy for all of this week, on motion of Senator Terrell of Bowie.

BILLS AND RESOLUTIONS.

By Senators Cofer and Mayfield:

Senate bill No. 8, A bill to be entitled "An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading, making all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; pro-

viding for the verification of bills of lading by affidavit of local agent of carrier, prescribing form of such affidavit; providing for record of same, and fixing fee for taking same, and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions, prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senators Cofer and Bryan:

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bills of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected with the issuance and

handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

Morning call concluded.

AT EASE.

On motion of Senator Watson, the Senate was at east subject to the call of the Chair.

IN SESSION.

At 11 o'clock the Senate was called to order by Lieutenant Governor Davidson.

EXECUTIVE SESSION.

The Chair announced that the hour had arrived for the Senate to go into executive session for the purpose of considering an appointment sent to the Senate by the Governor on yesterday. The Senate Chamber was cleared of those not entitled to remain.

In executive session the following confirmation was made:

B. W. Baker of Panola county, to be district attorney of the Fourth Judicial District, effective September 1, 1910.

IN THE SENATE.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives, Austin, Texas, August 23, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of \$50,000, or so much thereof as may be necessary, out of the public revenue not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency."

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of \$10,000, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called

Session of the Thirty-first Legislature of Texas, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

SENATE BILL NO. 2—FREE CONFERENCE COMMITTEE ON.

Senator Weinert called up

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of \$10,000, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency,"

With the following House amendments:

(1)

Amend the caption of Senate bill No. 2 by striking out the word "ten" and insert in lieu thereof the word "fifteen."

(2)

Amend Section 1 of Senate bill No. 2 by striking out the word "ten" and inserting in lieu thereof the word "fifteen."

(3)

Amend Section 1 of Senate bill No. 2 by adding the following: "And that the approval of the chairman of the Committee on Contingent Expenses of either house, and countersigned by the President of the Senate, or the Speaker of the House of Representatives, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasury for the payment of any account so drawn against said fund."

Senator Hume moved that the Senate do not concur in the House amendments, and request a Free Conference Committee.

The motion prevailed by the following vote:

Yeas—19.

Adams.	Perkins.
Alexander.	Ratliff.
Bryan.	Real.
Harper.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Meachum.	Veale.
Paulus.	Watson.
Peeler.	

Nays—6.

Brachfield.	Holsey.
Cofer.	Mayfield.
Greer.	Ward.

Present—Not Voting.

Weinert.

Absent.

Hudspeth.	Senter.
Murray.	Willacy.

ADJOURNMENT.

On motion of Senator Terrell of McLennan, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Cofer:

Denison, Texas, August 22, 1910.

Hon. R. E. Cofer, State Senate, Austin, Texas:

Organized labor of Denison requests your vote and influence for the passage of the spider bill, which has the indorsement of J. B. Strother, chairman Texas State Federation of Labor legislative committee, without amendments that will render it inoperative. Please print in Journal.

H. KAICEHL,

Member Legislative Committee.

By Senator Veale:

Childress, Texas, August 22, 1910.

Jno. W. Veale, Austin:

Six hundred wage-earners of Childress request you to support spider bill. Please print in Journal.

R. E. WHITE,

Vice President Texas State Federation of Labor.

Wichita Falls, Texas, August 22, 1910.

Jno. W. Veale, Care State Senate, Austin, Texas:

We will appreciate any support you can and will give to carshed bill.

A. M. JOHNSON,

President B. R. C. of A.

Childress, Texas, August 22, 1910.

Hon. John W. Veale, Austin, Texas:

Dear Sir: Knowing your friendly attitude toward labor in all of its phases

as shown by your work and votes for the laboring men, and being especially in need of your support in labor's behalf at this time, I, as the president of Panhandle Lodge No. 238, B. R. C. of A., take the liberty of asking and urging you to support the bill now before the Legislature known as the carshed bill, which requires railroad companies to build sheds over repair tracks.

It seems that the present law on the subject has some constitutional defects, and the bill introduced in the Special Session of the Legislature just closed seeks not only to cure the defects in the law but to strengthen the same in many ways. This is the bill, or a similar one, indorsed by the chairman of legislative board, B. R. C. of A., and the labor department.

Hoping that you will give this measure your hearty support and that it will eventually become a law, I am,

Yours truly,

M. E. MOTE,

President Panhandle Lodge No. 238,
B. R. C. of A., Childress, Texas.

By Senator Harper:

Teague, Texas, August 22, 1910.

Senator Alf Harper, Austin, Texas:

We gave you our support, now we are asking yours for the spider bill. Please print in the Journal.

J. W. KENNEDY,
President Teague Trades Council.

By Senator Hume:

Houston, Texas, August 22, 1910.

Mr. H. Chas. Hume, Legislative Board,
Austin, Texas:

The Garment Workers Local No. 313, Houston, Texas, request you to support the spider bill as presented to you by the joint legislative board of the State Federation of Labor and the labor unions of Texas. Please print in Journal.

EVA GOLDSMITH, President.

Houston, Texas, August 22, 1910.

State Senator Chas. Hume, Austin,
Texas:

I represent 125 carmen who ask you to support the carshed bill that has the indorsement of G. T. Johnson and Labor Commissioner Myers.

H. F. BALL.

Houston, Texas, August 21, 1910.

Hon. F. Chas. Hume, Senator Sixteenth
District, Austin, Texas.

Dear Sir: This is to urge you in be-

half of the Brotherhood of Railway Car-men of Texas to support a carshed bill that has the indorsement of our chairman and labor department and prevent, as far as possible, any injurious amendment to same. As it is now we are compelled to repair cars in the hot sun of the summer and in the wet and disagreeable weather of the winter, causing numerous cases of sickness and disease to the members of our craft. Hoping that this Legislature will pass a carshed bill that will prove constitutional, I remain,

Yours truly,

W. C. RASCH,

Recording Secretary B. R. C. M. of A.,
Bayou City Lodge No. 280, Houston,
Texas, 1307 Montgomery Avenue.

By Senator Terrell of Wise:

Bridgeport, Texas, August 22, 1910.

Hon. C. V. Terrell, Senate Chamber,
Austin.

Dear Senator: By a unanimous vote of the members present at a regular meeting of Local Union No. 782, United Mine Workers of America, I am instructed to ask you to support the spider bill, if you can see your way clear to do so. Please print in Journal.

W. P. JETER, Secretary.

Chickasha, Okla., August 22, 1910.

Hon. Senator Terrell of Wise county,
Austin.

You are respectfully requested to give your valuable support to the spider bill. Please print in Journal.

EDW. CUNNINGHAM,
Bridgeport, Texas.

Bridgeport, Texas, August 22, 1910.

Senator C. W. Terrell, Senate Chamber,
Austin.

Please support the spider bill if you can see your way clear to do so. Please print in the Journal.

T. A. LIPPS.

By Senator Kellie:

Beaumont, Texas, August 22, 1910.

E. I. Kellie, Austin, Texas.

Sir: Please do all you can in support of the bill known as the spider bill that is before the Legislature and Senate. The painters and organized labor of Beaumont would like to see the bill made into a law as endorsed by J. B. Strother. Please print in the Journal.

M. VAN COURT,
G. C. H. WALL,
President.

Beaumont, Texas, August 22, 1910.

Hon. E. I. Kellie, Austin, Texas.

The laboring men of your district deserve the enactment of the spider bill as a friend of labor, in support as the spider bill, endorsed by our chairman, J. B. Strathen, and of the labor department. Please print in Journal.

R. B. PAXTON.

Beaumont, Texas, August 22, 1910.

E. I. Kellie, Austin.

Local No. 81, Brotherhood of Railway Carmen, will appreciate your support of car shed bill, endorsed by our chairman of legislative board and by labor department.

R. B. PAXTON,
Secretary 81.

By Senator Greer:

Tyler, Texas, August 22, 1910.

Hon. W. J. Greer, Austin, Texas.

Dear Sir: Local lodge, Brotherhood of Railway Carmen, of this city, representing more than 200 qualified voters, urge your support of car shed bill, now pending.

S. L. WATTS, Secretary.

By Senator Alexander:

Fort Worth, Texas, August 22, 1910.

Hon. D. M. Alexander, Senator, Austin, Texas.

Organized wage earners instruct me to ask you, in the name of humanity, to appeal to Senators for their support of the spider bill. Some of our own men returned from working in ships in Galveston maimed and unfit for work again, caused by defectively baled cotton.

C. W. WOODMAN,
Organizer American Federation of Labor.

Fort Worth, Texas, August 22, 1910.

D. M. Alexander, Senate Chamber, Austin.

The members of Fort Worth Lodge No. 23, Brotherhood of Railway Carmen of America, earnestly request that you urge and vote for passage of the car shed bill, now before your body for consideration.

JOHN BUTTERS,
President No. 23.

By Senator Real:

San Antonio, Texas, August 23, 1910.

Senator Real, Austin, Texas.

Barbers' Local No. 17 urges passage

of the spider bill as endorsed by State Federation of Labor. Please print in Journal.

J. D. ASHLEY,
President.
E. MANGHAM,
Secretary.

San Antonio, Texas, August 22, 1910.

Senator Julius Real, Austin, Texas.

Being our Senator of this district, we would wish very much for you to work in favor to support the spider bill. Please print in Journal.

J. E. HERMANN,
Secretary Beer Drivers and Stablemen's Union, No. 13, San Antonio, Texas.

By Senator Mayfield:

Walnut Springs, August 22, 1910.

Senator E. B. Mayfield, Austin.

The members of Pecan Lodge, No. 464, B. R. C. of A., respectfully ask your support of a car shed bill that has the endorsement of our chairman and the labor department.

O. E. BERGLUND,
President Pecan Lodge No. 464, B. R. C. of A.

By Senator Ward:

Hillsboro, Texas, August 22, 1910.

Hon. Pierce B. Ward, Senator, Austin.

As a representative for and a member of B. R. C. of A. Lodge No. 15, Hillsboro, we respectfully request that you use your influence and vote for the passage of the car shed bill that has the endorsement of the labor department.

W. L. MONROE.

By Senator Cofer:

Denison, Texas, August 22, 1910.

Hon. R. E. Cofer, State Senate, Austin, Texas.

Organized labor of Denison requests your vote and influence for the passage of the spider bill that has the endorsement of J. B. Strother, chairman of the Texas State Federation of Labor legislative committee, without amendments that will render it inoperative. Please print in Journal.

F. R. LAWHORN,
President Labor Trade Committee.
By Senator Hudspeth:

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

The Theatrical Stage Employees'

Union of El Paso instruct me to ask you to work for and vote for the passage of the bill known as the spider bill, the same being endorsed by the joint labor board. Print in Journal, please.

J. D. RHEA, Secretary.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

As secretary of the Journeymen Horseshoers' Union, I am requested to ask you to work for and vote for the passage of the spider bill as endorsed by the Joint Labor Legislative Board of Texas. Please print in Journal.

T. P. TONEY, Secretary.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

As president of the Carpenters' Union, with over 300 members, I am wiring you and requesting your honest support and vote for the spider bill as endorsed by the Joint Labor Legislative Board of Texas. We believe that labor is entitled to protection. Please print in Journal.

W. W. CAIN.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

The Central Labor Union, representing eighteen different labor organizations, instructs me to wire you and urge you to vote for and work for the passage of the bill known as the spider bill, as requested by the Joint Labor Legislative Board of Texas. Please print this in Journal.

HENRY M. WALKER.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

As president of the International Brotherhood of Blacksmiths and Helpers of El Paso, I am wiring and asking your most hearty support and vote for the passage of the spider bill as endorsed by the Joint Labor Legislative Board. Please print this in the Journal.

W. H. CRISWELL, President.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

We request you to work for and vote for the passage of the spider bill as endorsed by the Joint Labor Legislative Board of Texas. Labor is entitled to this protection, and the bill ought to be passed. Please print in Journal.

FRED SUHRE,

Secretary Pattern Makers' League.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

The Brotherhood of Painters, Decorators and Paper Hangers instructs me to urge you to work for and vote for the passage of the spider bill as endorsed by the Joint Labor Board of Texas. Please print in Journal.

L. A. ALLEN, Secretary.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

As president of the Journeymen Plumbers Association whose members are citizens, taxpayers and voters of El Paso county, I am wiring you and urging you to give your support and vote to the spider bill as endorsed by the Joint Labor Legislative Board of Texas. Please print this in Journal.

CHAS. E. SCOTT.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

As secretary of the Journeymen Barbers' Union of El Paso, I request you to work for and vote for the passage of the spider bill as endorsed by the Joint Labor Legislative Board of Texas. We believe this a just bill, and labor is entitled to protection. Please print in Journal.

A. G. KLEYHAUER, Secretary.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

As president of the Central Live Wire Club, which is composed of citizens and voters that have paid poll tax and have receipts in their pockets. I am asking you to work for and vote for the passage of the spider bill as undersigned by the Joint Labor Legislative Board of Texas. Please print in Journal.

J. W. LUCAS, President.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

As secretary of the El Paso Typographical Union, I am urging and asking your support and vote for the bill known as the spider bill as endorsed by the Joint Labor Legislative Board of Texas. We count on your most hearty co-operation. Please print in Journal.

EVERETT FOSTER, Secretary.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

Believing that labor is entitled to protection while performing honest service

to employers, and knowing that the spider bill has both merit and justice in it, as secretary of the Electrical Workers' Union I am wiring and urging your most hearty co-operation in support and passage of said spider bill as endorsed by the Joint Labor Legislative Board of Texas. Please print in Journal.

G. W. COOK.

El Paso, Texas, August 22, 1910.

Hon. C. B. Hudspeth, Austin, Texas.

The Bricklayers and Masons Union of El Paso urge you to work for and vote for the passage of the spider bill as endorsed by the Joint Labor Legislative Board of Texas. Please print in Journal.

FRANK E. SAMUELS, Secretary.

By Senator Adams:

Brownwood, Texas, August 22, 1910.

Hon. W. N. Adams, Austin, Texas:

Please support the spider bill in present session of Senate. Please print in Journal.

W. P. RICHEY,
C. A. PERKINS,
Committee.

By order of Local Union 136, Carpenters and Joiners of America.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, August 23, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and

the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, August 24, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent—Excused.

Willacy.

Prayer by Rev. H. B. Phillips, of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 3, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in constructing or repairing railroad cars, trucks or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in constructing or repairing railroad cars, trucks and other railroad equipment and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

House bill No. 8, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

Also reconsidered the vote by which Senate bill No. 2 was passed and requests the Senate to return the bill for further consideration.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their cap-

tions had been read, the following House bills:

House bill No. 3, referred to Committee on Internal Improvements.

House bill No. 8, referred to Judiciary Committee No. 1.

SIMPLE RESOLUTION.

By Senator Harper:

Resolved, That the Secretary of the Senate be allowed postage for the Fourth Called Session in amount not to exceed \$3, to be paid out of the contingent expense fund.

The resolution was read and adopted.

BILLS AND RESOLUTIONS.

By Senator Murray:

Senate Concurrent Resolution No. 1:

Whereas, On the night of August —, 1910, a company of State Rangers were led into a trap and fired upon from ambush, resulting in the killing of two Rangers and the serious wounding of two others; therefore, be it

Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding five thousand dollars for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

For the purpose of carrying into effect the provisions of this resolution, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of five thousand dollars, or so much thereof as may be necessary to pay such reward as the Governor may see proper to offer.

MURRAY,
WEINERT,
HUDSPETH,
KAUFFMAN,
PEELER,
HUME.

The resolution was read first time, and referred to Finance Committee.

SENATE BILL NO. 2—FREE CONFERENCE COMMITTEE ON.

In accordance with a motion made and adopted yesterday, providing for a Free Conference Committee on Senate bill No. 2, the Chair appointed the following as the Free Conference Committee on Senate bill No. 2: Senators

Alexander, Harper, Kauffman, Murray and Peeler.

**REQUEST OF HOUSE FOR RETURN
OF SENATE BILL NO. 2 RE-
FUSED.**

The Chair laid before the Senate the request from the House to return Senate bill No. 2 for further consideration (see House message for request).

Senator Watson made a point of order on the above request to return the bill to the House for further consideration, that the bill was in the hands of the Free Conference Committee and could not be considered in this way, as it was not before the Senate.

(Senator Alexander was called to the chair.)

Pending discussion on the above point of order, the Chair (Senator Alexander) sustained the same.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following bill:

Senate bill No. 1, "An Act appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, out of the public revenue not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency."

ADJOURNMENT.

There being nothing on the calendar, On motion of Senator Watson, the Senate, at 11 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, our Committee on In-

ternal Improvements, to whom was referred Senate bill No. 6, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed, but that same be printed in the Journal.

BRACHFIELD, Chairman.

Following is the bill in full:

S. B. No. 6. By Senators Peeler, Harper, Kellie, Bryan and Cofer.

A BILL

To Be Entitled

An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 4549 and 4550 of Chapter 11, Title 94 of the Revised Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 4549. In case of the sale of the property and franchises of a railroad company, whether by virtue of an execution, order of sale, deed of trust, or any other power, or by a receiver acting under judgments, heretofore or to be hereafter rendered by any court of competent jurisdiction, the purchaser or purchasers at such sale, and associates, if any, shall acquire full title to such property and franchises, with full power to maintain and operate the railroad and other property incident to it, under the restrictions imposed by law; provided, however, that said purchaser or purchasers, and associates, if any, shall not be deemed and taken to be the owners of the charter of the railroad company and corporations under the same, nor vested with the powers, rights, privileges and benefits of such charter ownership, as if they were the original

corporators of said company, unless the purchaser or purchasers, and associates, if any, shall agree to take and hold said property and franchises, charged with, and subject to the payment of, all subsisting liabilities and claims, for death and for personal injuries sustained in the operation of the railroad, by the company and by any receiver thereof, and for loss of, and damage to property, sustained in the operation of the railroad by the company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs, such agreement to be evidenced by an instrument in writing, signed and acknowledged by said purchaser or purchasers, and associates, if any, and filed in the office of the Secretary of State of the State of Texas; and, provided further, that such charter, together with the powers, rights, privileges and benefits thereof shall pass to said purchaser or purchasers, and associates, if any, subject to the terms, provisions, restrictions and limitations imposed and to be imposed by law; and, provided further, that the amount of stock and bonds which may be held against said property and franchises, after the sale thereof, as well as the manner of issuance of such stock and bonds shall be fixed, determined and regulated by the Railroad Commission of Texas, at its discretion, save that the total encumbrance secured by lien on said property and franchises shall not exceed the amount allowed by Article 4584b of the Revised Statutes of Texas of 1895.

Article 4550. In case of any sale heretofore or hereafter made of the property and franchises of a railroad company, within this State, the purchaser or purchasers thereof, and associates, if any, shall be entitled to form a corporation, under Chapter 1 of Title 94 of the Revised Statutes of Texas for the purpose of acquiring, owning, maintaining and operating the road so purchased, as if such road were the road intended to be constructed by the corporation, and when such charter has been filed the new corporation shall have the powers and privileges then con-

ferred by the laws of this State upon chartered railroads, including the power to construct and extend; provided that, notwithstanding such incorporation, the property and franchises so purchased shall be charged with and subject to the payment of all subsisting liabilities and claims, for death and personal injuries sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for loss of and damage to property, sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; and provided that, by such purchase and organization, no right shall be acquired in conflict with the present Constitution and laws, in any respect, nor shall the main track of any railroad once constructed and operated be abandoned or removed; and, provided further, that the amount of stock and bonds which may be issued by said new corporation, as well as the manner of their issuance, shall be fixed, determined and regulated by the Railroad Commission of Texas, at its discretion, save that the total encumbrance secured by lien on said property and franchises shall not exceed the amount allowed by Article 4584b of the Revised Statutes of Texas of 1895.

Sec. 2. That this act shall not be construed to in anywise repeal or impair the provisions of Chapter 14, Title 94 of the Revised Statutes of the State of Texas, except in so far as the same may be changed by the provisions of this act.

Sec. 3. Whereas, there is no provision in the laws of this State for any return from purchasers of railroad properties for valuable privileges and no adequate regulation of stocks and bonds against sold-out railroad properties, there exists an imperative public necessity and emergency for the suspension of the rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is hereby so enacted.

Committee Room,
Austin, Texas, August 23, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 1, and find it correctly enrolled, and have this day, at 10:40 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act appropriating the sum of \$50,000, or so much thereof as may be necessary, out of the public revenue, not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency.

Be it enacted by the Thirty-first Legislature of Texas:

Section 1. That the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any public moneys, not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature.

Sec. 2. The fact that there is no appropriation available for the payment of per diem of members and per diem of officers and employes, creates an emergency, and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

PETITIONS AND MEMORIALS.

By Senator Meachum:

Whereas, The fire insurance companies of this State have just issued a schedule of rates applicable to the business and commercial risks of Huntsville, Texas; and

Whereas, Said rates show an extraordinary increase over those which have obtained in said city for years, said increase ranging from 50 to 75 per cent in many cases, and even more in some cases; and

Whereas, Said increased rates were formulated and issued by an arbitrary and autocratic committee, acting on be-

half of every insurance company in this State, without consultation with or explanation or notice to any of our individual insurers; and

Whereas, We believe that the action of said committee in so increasing our rates as aforesaid is arbitrary, unjust and uncalled for by any circumstances respecting the risks carried by insurance companies in said city; and

Whereas, We further believe that such action of said committee, or rating board, is contrary to the genius of our institutions and especially contradictory of and antagonistic to our State anti-trust laws and was never demanded by the voice of the people of this State; now, therefore, be it

Resolved by the Business League of the City of Huntsville, Texas, in called session assembled, that we unqualifiedly condemn the present Fire Rating Law as being detrimental to the best interests of our people, and especially do we oppose the recent innovation of the insurance companies whereunder they attach what is termed a co-insurance clause to all policies written upon business or commercial risks, which, we think, inequitable, unfair and unreasonable.

We earnestly request our Senator and Representatives in the Texas Legislature to vote for the repeal of the present Fire Rating Law and the enactment of a new law which shall attempt to establish a maximum rate only on all risks and leave the minimum rates to be determined by competition between the companies, firmly believing that the competitive system is always in line with American traditions and the best interest of the people. In this connection, we especially commend the bill as passed by the Texas Senate on the 22nd day of August, 1910.

We especially urge and petition the Fire Rating Board of this State to give to us all possible relief from the schedule of rates on business and commercial risks first referred to hereinbefore, which rates we declare to be outrageous, confiscatory and unreasonable in every respect.

The above resolutions were unanimously adopted on the 22nd day of August, 1910, by the Huntsville Business League, and its officers were instructed to furnish copies to the Senator and Representatives from this district in the Texas Legislature, and also the State Fire Rating Board.

S. S. FELDER, President.

Attest: J. P. LEE, Secretary.

By Senator Murray:

Victoria, Texas, August 23, 1910.

W. O. Murray, Senator Twenty-second District, Austin, Texas:

The Carpenters' Union, Local 1842, of Victoria, Texas, makes a unanimous request of you to support the "Spider Bill" in the Senate. We want it without any restricting amendments. Please print in Journal.

E. H. MILLER, Vice-President.

By Senator Peeler:

Austin, Texas, August 24, 1910.

Hon. John L. Peeler, Austin, Texas.

At last night's session of the Austin Trades Council I was instructed to ask you to support the "Spider Bill" as promoted by our Legislative Board, as this is one of our preferred measures. We are deeply concerned in its passage. Hoping you may see your way clear to support this bill and with best wishes, I am, yours truly.

CHARLES J. ARMSTRONG,
Cor. and Fin. Secretary.

Georgetown, Texas, August 22, 1910.

Resolved, That Local Union No. 572, United Brotherhood of Carpenters and Joiners of America, unanimously endorse House bill known as the "Spider Bill," and now pending before the State Senate; and further

Resolved, That we, the members of said union at Georgetown, Texas, request and urge our State Senator, the Hon. John Peeler, to vote for and urge the adoption of said bill.

WAYNE BOHANNAN, President.

C. B. LUNSFORD, Rec. Sec. Pro Tem.

Austin, Texas, August 22, 1910.

Hon. Jno. L. Peeler, Senate Chamber, Austin, Texas.

Dear Sir: Austin Typographical Union No. 138 respectfully asks you to use your influence in securing the passage of the "Spider Bill" now before the Senate. This is an important measure to the State Federation of Labor, and we would appreciate any assistance you give to it. Please print in Journal. Respectfully,

AUSTIN TYPOGRAPHICAL UNION
NO. 138.

J. B. STEPHENSON, President.

J. A. PADDLEFORD, Sec.-Treas.

Hon. J. L. Peeler, Austin, Texas.

Dear Sir: As Secretary of Local No. 118, I. B. of B., I am requested by the

membership to write you urging you to stand by organized labor in regard to the "Spider Bill." It is the bill that J. B. Strother of Waco is backing, I believe. Trusting you will do the right thing in this matter, I take this opportunity of thanking you for what you have done and will do in the future for us. Very respectfully,

W. J. BLEDSOE, Secretary.

By Senator Senter:

Dallas, Texas, August 23, 1910.

E. G. Senter, Senator, Austin, Texas.

Lone Star Lodge No. 17, B. R. C. of A., urges you to again take out the "Car Shed Bill" at once and use your influence to secure its passage.

B. F. GREEN, Secretary.

Dallas, Texas, August 23, 1910.

Senator Senter, Senate Chamber, Austin.

Dallas labor unions urge passage of "Spider Bill." Print in Journal.

R. H. CAMPBELL,
V.-P. Texas Federation of Labor.

Dallas, Texas, August 23, 1910.

Hon. Senator Senter, care State Legislature, Austin, Texas.

Dear Sir: At our last meeting the Barbers' Union of Dallas endorsed the "Spider Bill" and instructed me as their secretary to ask you to do all you can for that bill. Thanking you in advance, yours respectfully,

A. W. FAUCHER, Secretary.

Dallas, Texas, August 23, 1910.

Senator E. G. Senter, Austin.

Every member of Federal Labor, United, hopes you will actively support the "Spider Bill," not only with your vote, but with your powerful arguments and live ability. Please print this in the Journal.

GEO. CLIFTON EDWARDS.

By Senator Veale:

Dalhart, Texas, August 23, 1910.

Mr. John W. Veale, State Senator, Austin, Texas.

We, the Brothers of Railway Carmen of America, Dalhart Lodge No. 233, respectfully urge you to give your support to a car shed bill that has the endorsement of our chairman and the Labor Department.

T. N. CORRELL, Fin. Secretary.

By Senator Cofer:

Sherman, Texas, August 23, 1910.

Hon. R. E. Cofer, State Senator, Austin, Texas.

Carpenters' Union, No. 197, as members of the Texas State Federation of Labor, joins organized labor in demanding that the Senate pass the well-known "Spider Bill." We demand that you use your vote and influence to get this bill passed. Please print in the Journal.

W. A. BROWN, Secretary.

Denison, Texas, August 23, 1910.

Mr. R. E. Cofer, care Senate Chamber, Austin.

Tinners' Local 179 endorses the "Spider Bill" and would like you to do all in your power to have it passed and all other bills in favor of labor. Please have this printed in the Journal.

W. M. CREIGHTON,
Fin. and Rec. Secretary.

By Senator Terrell of Bowie:

Texarkana, Texas, Aug. 23, 1910.

Hon. J. M. Terrell, Austin, Texas.

At a meeting of the Central Labor Council last night a resolution was adopted to request that you vote for the "Spider Bill" now pending. Anything you can do for this bill will be appreciated by this body. Please print in Journal.

TEXARKANA CENTRAL LABOR
COUNCIL.

W. H. VONTIERCKS, President.
C. E. WHITE, Secretary.

By Senator Bryan:

Big Springs, Texas, Aug. 22, 1910.

W. J. Bryan, State Senator, Austin.

We, the J. R. C. of A. urge you to support the "Car Shed Bill" now pending in the Legislature.

E. O. PRITCHARD,
D. H. CLINGAN,
S. H. WALLIS,
Local Protective Board.

Baird, Texas, August 22, 1910.

Hon. W. J. Bryan, State Senator, Austin, Texas.

The members of Baird Lodge, No. 228, B. R. C. of A., of Baird, urge you to use your influence and support the "Car Shed Bill" that has the endorsement of our chairman, G. T. Johnson, and Labor Department. Respectfully,

I. M. ANDREWS.

SIXTH DAY.

Senate Chamber.
Austin, Texas,

Thursday, August 25, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Greer.

Meachum.

Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 25, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 14, A bill to be entitled "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 2, and the following has been appointed on the part of the House: Messrs. O'Bryan, Cox, Porter, Ross and Kennedy.

Also adopted the Free Conference Com-

mittee report on Senate bill No. 2 by the following vote: Yeas, 94; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 14, referred to Finance Committee.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 23, 1910.

To the Senate:

The advice and consent of the Senate is respectfully requested to the following appointment:

L. C. Wise of Taylor county, member of the Board of Managers of the State Epileptic Colony, Abilene, Texas, vice Dr. L. L. Grizzard, deceased.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Cofer moved that the Senate go into Executive Session at 11:45 o'clock today for the purpose of considering the above appointment by the Governor.

The motion was unanimously adopted. Morning call concluded.

SENATE BILL NO. 6.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old

corporation, after the sale of its property and franchise, and declaring an emergency."

The committee report, which provided that the bill be printed in the Journal, was adopted.

Senator Hudspeth offered the following amendment:

Amend the bill by inserting the following as Section 3 and number old Section 3, Section 4:

"Section 3. The limitations and conditions imposed by this act upon the purchaser or purchasers of any such property and franchises, taking same at any such sale, subject to the payment by such purchaser or purchasers of all the subsisting liabilities, claims and demands of any such railway company, as provided in Article 4549 herein, and the provisions in Article 4550 herein, that the property and franchises so purchased shall be subject to the same liabilities, claims and demands in the hands of the new corporation as in the hands of the sold out corporation, shall not apply to the sale of any railway property and franchises sold under foreclosure of a mortgage securing bonds, all of which bonds were authorized issued and registered, and which mortgage was executed and registered subsequent to the enactment of the 'Stock and Bond Law,' same being Chapter 14, of Title 94, of the Revised Statutes of the State of Texas of 1895."

Pending.

Senator Brachfield moved that further consideration of the bill be postponed until 3 o'clock today.

The motion prevailed.

On motion of Senator Sturgeon, the Senate was at ease subject to the call of the Chair.

IN SESSION.

At 11:45 o'clock the Senate was called to order by Lieutenant Governor Davidson.

EXECUTIVE SESSION.

The Chair announced that the hour had arrived for the Senate to go into executive session for the purpose of considering an appointment sent to the Senate today. The Senate Chamber was cleared of those not entitled to remain.

In executive session the following confirmation was made:

L. C. Wise of Taylor county, to be a member of the Board of Managers of the State Epileptic Colony at Abilene.

IN THE SENATE.

FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.

By Senator Alexander:

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee on Senate bill No. 2, have had the same under consideration and have adjust the differences between the two houses, and respectfully recommend the following:

First—That the word "ten" in line 1 of Section 1 and caption of the bill be stricken out and the word "seven" be inserted in lieu thereof.

Second—That Section 1 of the bill be amended by the addition of the following words to the end of the section: "And that the approval of the chairman of the Committee on Contingent Expenses of either house, and countersigned by the President of the Senate or the Speaker of the House of Representatives, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasury for the payment of any account so drawn against said fund."

Respectfully submitted,
ALEXANDER,
HARPER,
PEELER,
MURRAY,
KAUFFMAN,

On the Part of the Senate.

O'BRYAN,
COX,
ROSS,
PORTER,
KENNEDY,

On the Part of the House.

The above report was read and adopted by the following vote:

Yeas—29.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kauffman.	Terrell of Bowie.
Kellie.	Terrell of McLennan.

Terrell of Wise.	Watson.
Veale.	Weinert.
Ward.	

Absent—Excused.

Willacy.

Senator Alexander moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Kellie, the Senate recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SALARY OF OFFICERS AND EMPLOYEES FIXED.

The Chair here called the attention of the Senate to the fact that the resolution providing for the election of officers and employes did not fix the per diem to be paid them, whereupon

Senator Holsey moved that the salary of the officers and employes be fixed at \$5 per day, the pages \$2 per day and the porters \$2 per day.

Senator Watson offered the following as a substitute for the above motion:

Amend the resolution to read as follows:

"Resolved by the Senate, That all employes employed by the Senate for the Fourth Special Session of the Thirty-first Legislature be paid the same salary paid during the Third Special Session of the Thirty-first Legislature."

Senator Holsey moved to table the substitute, which motion to table was lost by the following vote:

Yeas—8.

Brachfield.	Mayfield.
Bryan.	Ratliff.
Cofer.	Terrell of Bowie.
Holsey.	Terrell of Wise.

Nays—16.

Adams.	Real.
Harper.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Absent.

Alexander.	Meachum.
Greer.	Perkins.
Kauffman.	

Absent—Excused.

Willacy.

The substitute was then adopted by the following vote:

Yeas—16.

Adams.	Real.
Harper.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Nays—9.

Brachfield.	Mayfield.
Bryan.	Ratliff.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	

Absent.

Alexander.	Meachum.
Kauffman.	Perkins.

Absent—Excused.

Willacy.

SENATE BILL NO. 6.

Action recurred on Senate bill No. 6, the question being on the amendment by Senator Hudspeth.

ADJOURNMENT.

Senator Hudspeth moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed by the following vote:

Yeas—13.

Adams.	Peeler.
Alexander.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Murray.	Watson.
Paulus.	Weinert.

Nays—12.

Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Absent.

Harper.	Meachum.
Kauffman.	Perkins.

Absent—Excused.

Willacy.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading, making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; providing for the verification of bills of lading by affidavit of local agent of carrier; prescribing form of such affidavit; providing for record of same, and fixing fee for taking same, and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions, prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with

reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency,"

Have had same under consideration, and beg to report favorable, and with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bills of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected with the issuance and handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate as favorable, and with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,
Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 8, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in tomorrow morning's Journal.
MEACHUM, Chairman.

Following is the bill in full:

ENGROSSED RIDER.

Amend House bill No. 8, Section 2, by striking out in line 6 the word "it" down to and including the figures "1911" in line 12.

H. B. No. 8. By Moller, Byrne, Adams and Harman.

A BILL

To Be Entitled

An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and providing that persons, firms or corporations who shall receive for loading, storing or transportation any cotton, the condition of which shall be in violation of the provisions of this act, shall be liable in damages to the employees of such persons, firms or associations of persons or corporations for injuries sustained as the result of such improper and unlawful compressing of cotton; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, firm, corporation or association of persons,

owning or operating a compress in this State and their agents and employes are hereby required, in compressing, re-compressing, baling or rebaling cotton bales, to so bind and tie every bale of cotton by them compressed, recompressed, baled or rebaled so that no such bale shall be delivered to any railroad company or other common carrier by such person, firm, corporation or association of persons, their agents or employes, unless such bale of cotton shall be free from all or any dangerously exposed ends of bands or buckles, or any dangerously exposed or protruding part of the ties, bands, buckles or splices used in tying or binding such bale of cotton. And any such person, firm, corporation or association of persons, who shall fail to bind or tie any bale of cotton by them compressed, recompressed, baled or rebaled, in the manner above provided, and shall deliver or cause to be delivered any such bale of cotton to any railroad company or other common carrier, such person, firm, corporation or association of persons shall forfeit and pay to the State of Texas the sum of not less than fifty dollars (\$50), nor more than two hundred and fifty dollars (\$250), which may be recovered in a civil suit brought in the name of the State of Texas in a court of competent jurisdiction; provided, that any person, firm, corporation or association of persons receiving for storage, loading for transportation or transporting any such compressed bale or bales of cotton, in this State, containing any dangerously exposed ends of bands or buckles or any dangerously protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton shall be liable in damages for injury to any person in the employ of such person, firm, corporation or association of persons, occasioned by reason of such dangerously exposed ends of bands or buckles or any dangerously exposed or protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton while in the discharge of the duties of such employment. The duty of inspection of such bales of cotton shall be on the employer and not on the employe.

Sec. 2. It shall be especially the duty of the Commissioner of Labor and his deputies to see that the provisions of Section 1 hereof are observed and enforced and in pursuance thereof he shall

obtain and collect evidence of all violations of said provisions upon the part of persons, firms, corporations and associations of persons engaged in the business of compressing cotton, who shall fail to comply with the provisions of Section 1 hereof. It is further provided that the sum of five thousand dollars (\$5000), or as much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury, not already appropriated, for the use of the Bureau of Labor Statistics so as to enable its officers and deputies to perform their duties hereinbefore mentioned for the fiscal year ending August 31, 1911. The Commissioner of Labor shall file annual statement with the Governor showing in detail all expenses incurred by him in connection with his duties under this act.

Sec. 3. The fact that many persons are now being injured in handling dangerously compressed cotton, creates an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills shall be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, August 24, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred Senate bill No. 4, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the bill, Section 1, by adding after the words "shall erect and maintain a building" the following words "or shed."

Also amend Section 1 by striking out the word "fully" in the sentence of said section reading in part as follows: "Shall be sheltered from rain and fully protected from other inclement weather."

Also amend Section 2 by substituting for the words "and each day of such failure" the following words: "And each ten days of such failure."

And that same be not printed, but printed in the Journal.

BRACHFIELD, Chairman.

Following is the bill in full:

S. B. No. 4. By Senators Senter and Brachfield.

A BILL

To Be Entitled

An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employees engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, corporation or receiver engaged in repairing railroad cars or other railroad equipment, not including locomotives, shall erect and maintain a building at every station or other point where as many as five men are regularly employed on such repair work, the building to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad equipment, except locomotives, shall be sheltered from rain and fully protected from other inclement weather.

The provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only, on cars nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

Sec. 2. Any person, corporation or receiver who shall violate the provisions of this act shall be liable to the State of Texas for a penalty in any sum not less than \$50 nor more than \$100, and each day of such failure or refusal to comply with the provisions of this act

shall be considered a separate infraction authorizing the recovery of a separate penalty.

Suit for recovery of penalties hereunder shall be brought by the Attorney General of this State or by the county or district attorney of the county in which suit is brought, and the county or district attorney, as the case may be, shall receive a fee of ten per cent (10%) upon each penalty recovered and collected by him in addition to the fee allowed him by law at this time, and said fee shall be over and above the fee allowed him by law at this time, and said fee shall be over and above the fees allowed under the general fee act in force in this State.

Sec. 3. That Chapter 53 of the Acts of the Regular Session of the Thirty-first Legislature, entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather, of their employees while engaged in labor in the service of said railroad company," be and the same is hereby repealed; that this act shall take effect ninety days after the adjournment of this Special Session; but that all persons, corporations or receivers affected by this act shall have until June 1, 1911, within which to comply with the provisions thereof.

Sec. 4. The importance of the legislation proposed in this bill and the probable early adjournment of the present session of the Legislature, rendering it improbable that this bill can be read on three several days in each house, creates an emergency and an imperative public necessity exists requiring the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and it is so enacted.

SEVENTH DAY.

Senate Chamber,
Austin, Texas.

Friday, August 26, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

ADDITION TO STANDING COMMITTEE.

The Chair here announced the appointment of Senator Hudspeth as a member of the Committee on State Penitentiaries to take the place of Senator Stokes, deceased.

PERSONAL PRIVILEGE REMARKS.

Senator Brachfield here moved that the remarks of Senator Real, as a matter of personal privilege, delivered on yesterday, be printed in today's Journal.

The motion prevailed, and the following are the personal privilege remarks:

After reading the following quotations from the San Antonio Light, Senator Real said:

“(By MacMillan.)

“Special Dispatch.

“Austin, Texas, August 24.—It has been years since so many railroad attorneys and lobbyists have hovered over the Legislature. The threat of a 2-cent fare bill, and the present danger of two or three railroad ‘twisters’ already on the calendar have been enough to fill the air with big black birds.

“As usual, a pretense is made of fighting these ‘cinch bills’ in the open by the vocal power of the brass-lined human throat. But this music is used, like the fife and drum corps in a militia company, merely to keep ‘the boys’ in step.

The real work is done in a more effectual way.

“Apparently, the Senate is still true blue to the railroads as it was last session. But it is going to take a cast iron nerve for any Senator, no matter how accustomed he may be to be trusted, to stand up to fight against the I. & G. N. receivership bill.

“This railroad company is trying to get away with \$2,000.00 owing to citizens of Texas—business men, widows, orphans and laborers—this by a hocus pocus in high finance.”

Mr. President and Gentlemen of the Senate:

For the first time since I have been a member of this body, I rise to a point of personal privilege. I do so fully upon my own account, and because I believe an injustice has been done to each and every member of the Senate of Texas. The article above read appeared in the San Antonio Light, Wednesday, August 24th, and is supposed to have been written by one MacMillan. The San Antonio Light being a paper of State-wide circulation and bearing the reputation of being an honorable and truthful journal, and being published in my district, I desire to call its attention to the erroneous and absolute misstatements of the article above, and always having believed it to be a newspaper of fairness and truthfulness, I believe that it will correct the above gigantic misrepresentation, or come forth with the proof to sustain said charges.

Having been born almost under the dome of the Alamo, where Texans fought for Texas, and the name of the Alamo being loved and revered by every Texan whose red Caucasian blood flows through his veins, my life, both personal and political, is well known to the people of my district, and to those who do not know me, I court the most strenuous investigation. The above charges, by insinuation and innuendo, having been made by a Democratic press in my district, and being a candidate for re-election, I especially invite the closest scrutiny of every act of mine, personal or political on every vote cast by me since I have been a member of this Senate. If found to be correct, then, and only then, do I ask for re-election by the voters of my district; if found otherwise, then I ask that you vote for my opponent.

But to the issue: The San Antonio Light misrepresents by its special Austin correspondent, the Senate of Texas. As to what has happened here in the years

past, I do not know, because I have only been a member of the Thirty-first Legislature. I am one who believes that a newspaper or a man should know of what he speaks, or he should not speak. The foul slanderer and assassin of character can easily tear down, many times by insinuation and assumptions, and when called upon fail to make good.

While, as stated above, I ask the closest personal scrutiny of every act of mine since I have been a member of this Senate, I, as the public knows, being the only Republican member of the Senate, but I am one who believes a man can be honest and sincere and be of a different religious and political faith than myself. I know that every member of this Senate is an honest, clean, high-toned representative of the people who have sent him here, and any pretense or misrepresentation otherwise, without some direct, absolute charge, is an injustice, not only to every one individually, but to the Senate in its entirety and a slap at those who sent them here. It seems to me that the wholesale slandering of public officers of Texas by newspapers should cease at some time. I am absolutely in favor of going to the depths of all accusations of graft and corruption if to be found anywhere, by any of our officers, but I believe there is no such in the Senate of Texas, because for two years, by daily association with each and every Senator, I would have at some time or upon some occasion found it out.

I hereby challenge the San Antonio Light to make some direct charge against myself, or any member of the Senate of Texas, of wrong doing, not by insinuation or general innuendo, but specifically stating any fact or facts known by said newspaper or correspondent, or forever stand in the eyes of honest people and the free press of this State as assassins of character and libelous slanderers of the names of honest men.

Morning call concluded.

SENATE BILL NO. 6.

Action recurred on pending business. Senate bill No. 6, a bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regu-

lating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchise, and declaring an emergency."

The question being on the following pending amendment by Senator Huds-peth:

Amend the bill by inserting the following as Section 3 and number old Section 3, Section 4:

"Section 3. The limitations and conditions imposed by this act upon the purchaser or purchasers of any such property and franchises, taking same at any such sale, subject to the payment by such purchaser or purchasers of all the subsisting liabilities, claims and demands of any such railway company, as provided in Article 4549 herein, and the provisions in Article 4550 herein, that the property and franchises so purchased shall be subject to the same liabilities claims and demands in the hands of the new corporation as in the hands of the sold out corporation, shall not apply to the sale of any railway property and franchises sold under foreclosure of a mortgage securing bonds, all of which bonds were authorized issued and registered, and which mortgage was executed and registered subsequent to the enactment of the 'Stock and Bond Law,' same being Chapter 14, of Title 94, of the Revised Statutes of the State of Texas of 1895."

Pending.

Pending discussion on the above amendment,

Senator Alexander offered the following amendment to the amendment:

Amend the amendment by adding the following: "Provided, that should the courts declare this section of this act unconstitutional or unauthorized by law, then such decision shall affect only this section and shall not affect any other section or part of this act."

Pending.

(Senator Veale in the chair.)

RECESS.

On motion of Senator Hume, the Senate, at 12:30 o'clock, recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor A. B. Davidson, and on motion of Senator Hume, the Senate was at ease for fifteen minutes.

SENATE BILL NO. 6.

At 3:15 o'clock the Senate was again called to order and

Action recurred on Senate bill No. 6, the question being on the amendment by Senator Alexander to the amendment by Senator Hudspeth.

(Senator Veale in the chair.)

ADJOURNMENT.

Pending discussion on the above amendments,

Senator Watson moved that the Senate adjourn until 10 o'clock Monday morning.

Senator Perkins moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first, the motion to adjourn until Monday morning was lost by the following vote:

Yeas—12.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Real.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.

Nays—14.

Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Meachum.	Senter.
Paulus.	

Absent—Excused.

Willacy.

The motion to adjourn until tomorrow morning at 10 o'clock prevailed by the following vote:

Yeas—14.

Adams.	Peeler.
Alexander.	Perkins.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Murray.	Weinert.

Nays—13.

Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Kauffman.	Ward.
Mayfield.	

Absent.

Meachum.	Paulus.
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Absent—Excused.

Willacy.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Adams:

At a meeting of the citizens of Stephenville the following resolution and petition were adopted:

Resolved, That this petition be sent, a copy each to our Representatives in the House of Representatives and to the Senator for this district, with request that it be read in each house as an expression of the wishes and sentiments of this meeting.

J. J. BENNETT, Chairman.

G. W. JENKS, Secretary.

To the Legislature of Texas:

We, the citizens of Stephenville, Texas, respectfully petition that you provide some relief from the extortions and robberies of the insurance companies which now do and have done business in Texas.

We show that for the past ten (10) years the average insurance premiums paid by this city amount to twenty thousand dollars (\$20,000) per year, making a total of about two hundred thousand dollars (\$200,000), and that during that period the losses paid to insurers of this town do not exceed ten thousand dollars (\$10,000).

We show that, notwithstanding this enormous disproportion between premiums paid and losses paid at the rates then existing, that the insurance companies operating in this field have raised the rates of insurance many times what they were during the times stated.

We show that acting professedly under the laws as they now exist the insurance companies operating in this field have made rates for insurance which are so exorbitant that no legitimate business can possibly pay them and survive.

We further show that some of the rates demanded by said insurance companies are so wholly exorbitant that to demand is practically to provide that the property of the citizens of this city shall not be insured at all.

We further petition that such laws shall be enacted as shall enable the citizens of Texas to incorporate insurance companies within this State upon such terms and provisions as shall best facilitate that object, to the end that the enormous sums heretofore paid to insurance companies shall remain in Texas.

We further petition that the Legislature of Texas, in addition to such legislation as shall favor the incorporation of companies within this State, shall make the laws of Texas so burdensome to insurance companies incorporated without this State and which seek to extort unreasonable rates that they can not do business within this State, and that they shall be at once compelled to abandon this State as a field for robbery, or else make reasonable rates.

We believe that the State of Texas is able to provide for all the insurance companies that are needed, or that will ever be needed; and we believe it will be best for the State that its people do its own insurance, and that they cease to send out of this State the enormous sums heretofore paid in insurance premiums until reasonable and just rates of insurance are secured.

J. J. BENNETT, Chairman.

G. W. JENKS, Secretary.

By Senator Terrell of McLennan:

Waco, Texas, August 25, 1910.

To Hon. H. B. Terrell, Austin, Texas.

Dear Sir: The Journeymen Barbers, Local 179, Waco, Texas, being in favor of the Spider Bill being adopted by the Senate, hope to have your support and good will for the adoption of same and will appreciate very much your consideration in this matter.

Yours,

C. L. TERRIN,

Corresponding Secretary.

Representing fifty-two members.

By Senator Veale:

Amarillo, Texas, August 25, 1910.

Hon. J. W. Veale, Austin, Texas:

We urge you to support car shed bill endorsed by chairman of labor department.

T. H. BUTLER,

Sec. B. R. C. of A., Amarillo, Texas.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

House bill No. 14, A bill to be entitled "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Weinert, Chairman; Sturgeon, Brachfield, Peeler, Harper, Meachum, Murray, Holsey, Terrell of Bowie, Paulus.

(Floor Report.)

(Majority Report.)

Austin, Texas, August 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate Concurrent Resolution No. 1, as follows:

"Whereas, On the night of August —, 1910, a company of State rangers were led into a trap and fired upon from ambush, resulting in the killing of two rangers and the serious wounding of two others; therefore, be it

"Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding \$5000 for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

"For the purpose of carrying into effect the provision of this resolution there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$5000, or so much thereof as may be necessary, to pay such reward as the Governor may see proper to offer."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Weinert, Acting Chairman; Paulus, Peeler, Meachum, Harper, Sturgeon, Holsey, Murray.

(Minority Report.)

Committee Room,
Austin, Texas, August 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of Finance Committee, to whom was referred

Senate Concurrent Resolution No. 1, as follows:

"Whereas, On the night of August —, 1910, a company of State rangers were led into a trap and fired upon from ambush, resulting in the killing of two rangers and the serious wounding of two others; therefore, be it

"Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding \$5000 for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

"For the purpose of carrying into effect the provisions of this resolution, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$5000, or so much thereof as may be necessary, to pay such reward as the Governor may see proper to offer."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, for the reason that I believe the resolution is unconstitutional.

TERRELL of Bowie.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, August 27, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie
Kauffman.	Terrell of McLennan.

Terrell of Wise.	Watson.
Veale.	Weinert.
Ward.	

Absent.

Real.

Senter.

Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

Morning call concluded.

SENATE BILL NO. 6.

Action recurred on the pending business,

Senate bill No. 6, a bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchise, and declaring an emergency."

The question was on the amendment by Senator Alexander to the amendment by Senator Hudspeth (see proceeding of yesterday for the amendments).

(Senator Ward in the chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 27, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 4, A bill to be entitled "An Act to amend Articles 4549 and 4550, of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and to prescribe the conditions upon which the purchaser or purchasers and associates, if any, of the property and

franchises of a railroad company, may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 4, referred to Committee on Internal Improvements.

SENATE BILL NO. 6.

Action recurred on Senate bill No. 6, the question being on the amendment by Senator Alexander to the amendment by Senator Hudspeth.

(Senator Peeler in the chair.)

BILL ON FIRST READING.

(By unanimous consent.)

By Senators Weinert, Greer, Hudspeth, Paulus, Alexander, Murray and Senter:

Senate bill No. 10. A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor and prescribe his duties; prescribing penal-

ties for the violation of this act: repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statute of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act."

Read first time, and referred to Committee on State Penitentiaries.

SENATE BILL NO. 10—PRINTED IN JOURNAL IN FULL.

Senator Watson moved that the chairman of the Committee on State Penitentiaries be instructed to have Senate bill No. 10 printed in today's Journal.

The motion prevailed.

(See Appendix for the bill in full.)

(Lieutenant Governor Davidson in the chair.)

REFUSE TO ADJOURN.

Senator Hudspeth moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—10.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Watson.
Kellie.	Weinert.

Nays—18.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

Senator Terrell of McLennan moved that the Senate recess until 3 o'clock today.

Senator Terrell of Bowie made the point of order on the motion to recess, contending that there had been no business transacted between the motion to adjourn and this motion.

The Chair overruled the point of order.

The motion to recess was lost by the following vote:

Yeas—12.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.

Nays—16.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Kauffman.	Veale.
Mayfield.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

SENATE BILL NO. 6.

Action then recurred on Senate bill No. 6, the question being on the amendment by Senator Alexander to the amendment by Senator Hudspeth.

Pending discussion,

Senator Senter offered the following substitute for the amendment and the amendment to the amendment and bill:

Strike out all after the enacting clause of the bill and substitute the following:

Section 1. That Article 4549 of the Revised Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 4549. In case of the sale of the entire roadbed, track, franchise and chartered right of a railroad company, whether by virtue of an execution, order of sale, deed of trust or any other power, the purchaser or purchasers at such sale and their associates, shall be entitled to have and exercise all the powers, privileges and franchises granted to said company by its charter, or by virtue of the general laws; and the said purchaser or purchasers and their associates shall be deemed and taken to be the true owners of said charter and corporators under the same, and vested with all the powers, rights, privileges and benefits thereof, in the same manner and to the same extent as if they

were the original corporators of said company; and shall have power to construct, complete, equip and work the road upon the same terms and under the same conditions and restrictions as are imposed by their charter and the general laws.

Provided that in case of any sale under this article in the event there should exist any unpaid claims or debts of said sold-out corporation, it shall be the duty of the Railroad Commission of Texas, upon the application either of said reorganized corporation or any creditor, to revalue the properties and franchises acquired under said sale, regardless of any previous valuation thereof by said Railroad Commission, whereupon it shall be the duty of said reorganized corporation to issue bonds secured by mortgage, or mortgages, upon the properties and franchises thereof in accordance with the stock and bond law of this State as contained in Title 94, Chapter 14, of the Revised Statutes of the State of Texas, to sell said bonds at the fair market value thereof, to be approved by the Railroad Commission of Texas. The proceeds of sale of said bonds or so much thereof as may be necessary to be applied to the payment of all unpaid debts, in accordance with their respective priorities, and provided further, that any creditor shall have the right to accept stock or bonds in payment of his debts, such bond to have such priority of lien and payment as shall secure said debt in accordance with its legal classification and priority.

Sec. 2. That Article 4550 of the Revised Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 4550. In case of any such sale heretofore or hereafter made of the roadbed, track, franchise or chartered right of a railway company or any part thereof, as mentioned in Article 4549, the purchaser or purchasers thereof and their associates shall be entitled to form a corporation under Chapter 1 of this title, for the purpose of acquiring, owning, maintaining and operating the portion of the road so purchased as if such road or portion of the road were the road intended to be constructed by the corporation, and when such charter has been filed the said new corporation shall have all the powers and privileges conferred by the laws of this State upon chartered railroads, including the power to construct and ex-

tend; provided, that notwithstanding such incorporation the portion of the road so purchased shall be subject to the same liabilities, claims and demands in the hands of the new corporation as in the hands of the purchaser or purchasers of the sold out corporation; provided, that by such purchase and organization no rights shall be acquired under any former charter or law in conflict with the provisions of the present Constitution in any respect, nor shall the main track of any railroad once constructed and operated be abandoned or removed.

Provided that in case of any sale under Article 4549, in the event there should exist any unpaid claims or debts of said sold-out corporation, it shall be the duty of the Railroad Commission of Texas, upon the application either of the successor corporation or any creditor, to revalue the properties and franchises acquired under said sale, regardless of any previous valuation thereof by said Railroad Commission, whereupon it shall be the duty of said successor corporation to issue bonds secured by mortgage, or mortgages, upon the properties and franchises thereof in accordance with the stock and bond law of this State as contained in Title 94, Chapter 14, of the Revised Statutes of the State of Texas, and to sell said bonds at the fair market value thereof, to be approved by the Railroad Commission of Texas. The proceeds of sale of said bonds to be applied to the payment of all unpaid debts of the sold-out corporation, in accordance with their respective priorities, and provided further, that any creditor shall have the right to accept stock or bonds in payment of his debts, such bond to have such priority of lien and payment as shall secure said debt in accordance with its legal classification and priority.

Senator Terrell of Bowie made a point of order on the substitute, contending that a substitute for the bill was not in order; that the amendment and the amendment to the amendment was before the Senate and would have to be disposed of first.

The Chair overruled the point of order.

(Senator Terrell of McLennan in the chair.)

The substitute was then read, and

Senator Hume moved that the Senate recess until 3 o'clock today.

The motion was lost by the following vote:

Yeas—12.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.

Nays—16.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Kauffman.	Veale.
Mayfield.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

(Senator Alexander in the chair.)

Action then recurred on Senate bill No. 6, the question being on the substitute by Senator Senter for the amendment, the amendment to the amendment and the bill.

Pending discussion on the above substitute, Senator Hudspeth moved that the Senate adjourn until Monday morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—10.

Adams.	Peeler.
Alexander.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Watson.
Murray.	Weinert.

Nays—18.

Brachfield.	Meachum.
Bryan.	Paulus.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

SENATE BILL NO. 6.

Action recurred on Senate bill No. 6, the question being on the substitute for the pending amendments and the bill.

Senator Hudspeth here offered the following telegram, which was read:

San Angelo, Texas, August 26, 1910.

Senator Claude Hudspeth, Austin:

The San Angelo Chamber of Commerce endorses your opposition to the I. & G. N. bill. It should at least be amended so as not to embarrass roads organized since enactment of stock and bond law and now being built and developing the West. If we interpret the bill correctly, it means cessation of railroad building in West, where such building is most needed.

SAN ANGELO CHAMBER OF COMMERCE.

Pending further discussion, Senator Harper moved the previous question on the substitute, the amendment, the amendment to the amendment and the engrossment of the bill. The motion for the previous question was seconded.

Senator Senter made the point of order that the previous question could not be ordered on all of the questions at the same time.

The Chair (Senator Alexander) overruled the point of order.

The motion for the previous question then prevailed.

Action then recurred on the substitute for the amendment, amendment to the amendment and the bill, and the same was lost by the following vote:

Yeas—7.

Adams.	Murray.
Alexander.	Senter.
Hudspeth.	Watson.
Kellie.	

Nays—20.

Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.
Paulus.	Weinert.

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

Action then recurred on the amendment to the amendment, and the same was adopted by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Senter.
Bryan.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—7.

Cofer.	Perkins.
Greer.	Ratliff.
Holsey.	Sturgeon.
Paulus.	

Absent.

Real.

Absent—Excused.

Willacy.

Action then recurred on the amendment by Senator Hudspeth, as amended.

The amendment was lost by the following vote:

Yeas—10.

Adams.	Peeler.
Alexander.	Senter.
Hudspeth.	Veale.
Kellie.	Watson.
Murray.	Weinert.

Nays—17.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "yea," with Senator Real (absent), who would vote "nay."

Action recurred on the engrossment of the bill, and the same was ordered engrossed by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	

Nays—4.

Adams.	Senter.
Hudspeth.	Watson.

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "nay," with Senator Real (absent), would vote "yea."

On motion of Senator Brachfield the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.

Nays—5.

Adams.	Senter.
Hudspeth.	Watson.
Murray.	

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present), who would vote "nay," with Senator Real (absent), who would vote "yea."

The Chair having declared the result, Senator Watson called for verification of the vote, which was granted and no errors found.

Senator Watson made the point of order that the pair recorded above should be counted in the total vote, Senator Hume, being present, would vote "nay,"

which would make six votes against the suspension of the constitutional rule, and as it requires a four-fifths vote to suspend the constitutional rule, the motion would therefore be lost.

The Chair (Senator Alexander) overruled the point of order and declared the motion prevailed.

Senator Watson made the further point of order that the rule required a four-fifths vote of the Senate, not a four-fifths of those present.

The Chair (Senator Alexander) overruled the point of order.

The question was then on the final passage of the bill.

Senator Peeler moved to reconsider the vote by which the constitutional rule was suspended.

Senator Brachfield made the point of order that the rule had already been suspended, and that question was on the final passage of the bill.

The Chair (Senator Alexander) overruled the point of order.

Action then recurred on the motion to reconsider the vote by which the constitutional rule had been suspended, and the same was lost by the following vote:

Yeas—11.

Adams.	Ratliff.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Murray.	Weinert.
Peeler.	

Nays—17.

Alexander.	Meachum.
Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Veale.
Kauffman.	Ward.
Mayfield.	

Absent.

Real.

Absent—Excused.

Willacy.

Action then recurred on the final passage of the bill, and

Senator Watson made the point of order that the bill was not before the Senate on third reading, contending that the constitutional rule had not been suspended by the required number of votes.

The Chair (Senator Alexander) overruled the point of order.

Senator Watson appealed from the ruling of the Chair.

Senator Hume was called to the chair.

Question—Shall the Chair be sustained?

The Senate sustained the Chair by the following vote:

Yeas—18.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.

Nays—0.

Adams.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Meachum.	Watson.
Murray.	

Present—Not Voting.

Alexander.

Absent.

Real.

Absent—Excused.

Willacy.

The bill was read third time, and

Senator Hume offered the following amendment:

Amend Section 1, containing Article 4549, by striking out all of the words after the word "bond" in line —, page —, and in lieu thereof insert the following: "Shall be fixed and determined and regulated by the Railroad Commission of Texas in accordance with the terms and conditions of the present stock and bond law, as contained in Chapter 14, Title 94, Revised Statutes of Texas, 1895, independently of any valuation theretofore made, said reorganized company to have the right to issue bonds upon said property and franchises, not exceeding the amount allowed by Article 4584b of the Revised Statutes of Texas, 1895."

Senator Terrell of Bowie made a point of order that the amendment sought to give the Railroad Commission authority to re-value the property of the railroads and the same did not come in the purview of the proclamation of the Governor submitting this measure to the Legislature; and further, it is not germane to the bill.

The Chair (Senator Alexander) overruled the point of order.

Action then recurred on the amend-

ment by Senator Hume, and the same was lost by the following vote:

Yeas—10.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Senter.
Hume.	Watson.
Kellie.	Weinert.

Nays—18.

Brachfield.	Paulus.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.

Absent.

Real.

Absent—Excused.

Willacy.

Senator Hudspeth offered the following amendment:

Amend the bill by adding after the word "company" in line 20, page 1, the following: "or any other corporation."

Senator Brachfield made the point of order, that the amendment did not come within the purview of the proclamation by the Governor submitting this subject.

The Chair (Senator Alexander) sustained the point of order.

Action then recurred on the final passage of the bill and the same was passed by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	

Nays—4.

Adams.	Senter.
Hudspeth.	Watson.

Absent—Excused.

Willacy.

PAIRED.

Senator Hume (present) who would vote "nay," with Senator Real (absent), who would vote "yea."

Senator Brachfield moved to reconsider the vote by which the bill was passed, and spread that motion on the Journal.

The motion to reconsider and spread on the Journal prevailed.

(Lieutenant Governor Davidson in the chair.)

HOUSE BILL NO. 8.

On motion of Senator Brachfield the pending order of business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, House bill No. 8, by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Murray.	Weinert.

Absent.

Hume.	Real.
Meachum.	

Absent—Excused.

Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 8, A bill to be entitled "An Act to require persons, firms, corporations, and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of

Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

The committee report, which was favorable and that the bill be printed in the Journal, was adopted.

Senator Kauffman offered the following amendment, which was read and adopted:

Amend House bill No. 8, by striking out of the caption the words "and making an appropriation for the Bureau of Labor Statistics."

The bill was read second time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Real.

Absent—Excused.

Willacy.

On motion of Senator Brachfield the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Real.

Murray.

Absent—Excused.

Willacy.

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Real.

Absent—Excused.

Willacy.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 4.

The Chair laid before the Senate, as pending business and on second reading,

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

The committee report, with amendments, and that the bill be not printed but be printed in the Journal, was adopted.

The bill was read and Senator Senter offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting after the words "to erect and maintain buildings," the following words: "or sheds."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 1, by inserting after the words "where as many as five men are regularly employed on such repair work, the building," the following words: "or sheds."

Bill read second time, and ordered engrossed.

On motion of Senator Senter the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Real.

Terrell of McLennan.

Absent—Excused.

Willacy.

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

HOUSE BILL NO. 14.

On motion of Senator Weinert, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, House bill No. 14 by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 14, A bill to be entitled "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

The committee report, which was favorable, and that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Cofer.
Alexander.	Greer.
Brachfield.	Harper.
Bryan.	Holsey.

Hudspeth.	Ratliff.
Hume.	Senter.
Kauffman.	Sturgeon.
Kellie.	Terrell of Bowie.
Mayfield.	Terrell of McLennan.
Meachum.	Terrell of Wise.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.
Real.
Absent—Excused.
Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Holsey, the Senate, at 4:40 p. m., adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, August 27, 1910.

Hon A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements to whom was referred

House bill No. 3, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in constructing or repairing railroad cars, trucks or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in constructing or repairing railroad cars, trucks and other railroad equipments and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies,' and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Bryan, Mayfield, Perkins, Terrell of McLennan, Holsey, Murray, Kauffman, Meachum.

SENATE BILL NO. 10.

S. B. No. 10. By Senators Weinert, Greer, Hudspeth, Paulus, Alexander, Murray and Senter.

A BILL

To Be Entitled

An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commissioners; to vest title to all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school

fund; to provide for the appointment of an auditor and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary may have humane treatment and may be given every opportunity and encouragement in the matter of reformation.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk and such other penitentiaries as may hereafter be established, and all farms or camps where prisoners are kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the policy of this State to work all prisoners within the walls and upon farms owned, but in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares, or upon any other farm or place other than that owned and controlled by the State of Texas after January 1, 1914; provided, that all existing contracts for prison labor in existence at the time this act takes effect shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914. Provided further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out prisoners at the earliest practicable moment.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purpose of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by

the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, who shall hold their offices, respectively, for eight, sixteen and twenty-four months from the date of their appointment and qualification. In the appointment of said Commissioners first to be appointed under this act, the Governor shall designate the term each one shall hold under such appointment; provided, however, that in the event of a change in the Constitution extending the term of office of the Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment.

Sec. 5. Each member of said Commission shall, within ten days after his appointment, execute a bond with two or more good and sufficient sureties, in the sum of \$75,000, payable to the Governor of this State and his successors in office, and conditioned for the faithful performance of his duties and the strict accounting to the State of all moneys coming into his hands as such Commissioner; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State. And before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis county for the forfeiture and collection of said bond.

Sec. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of \$300 per month, to be paid at the end of each month; and in addition thereto, he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid out of the funds of the prison system; all such expense accounts to be itemized and sworn to in duplicate and approved

by the chairman of the Board of Prison Commissioners, one copy to be kept with the records of the Board of Prison Commissioners and one copy filed with the Comptroller of Public Accounts; each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy the residence houses belonging to the State at Huntsville.

Sec. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested; and any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office.

Sec. 8. That said Prison Commission shall be vested with the exclusive management and control of the prison system of this State and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent and purpose of the laws and rules governing said system: provided that the Prison Commission shall be held responsible for maltreatment of prisoners and if permitted it shall be grounds for removal from office.

Sec. 9. That the said Prison Commission shall have power to, and it shall be their duty, to appoint all necessary officers, all physicians, chaplains, teachers and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, who shall be a competent, practical accountant, and they shall require all appointees who, in discharging their duties, are charged with handling any funds of the system or State, to execute bond in such amount as may be fixed by the Prison Commission to be conditioned as required by law for the faithful performance of their duties.

Sec. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The

Commissioners shall select one member as chairman and shall designate one member to have supervision over the finances and financial transactions of the prison system; one who shall supervise the feeding, clothing, care and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be known and designated as the superintendent of parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may be now or hereafter in force in this State, unless otherwise directed by law. Provided, that each member so designated shall report his actions to the Prison Commission. The provisions of this section are intended to facilitate the work of the Prison Commission and shall not be construed as relieving the full Board of Prison Commissioners of any authority or general responsibility for the management of the prison system. The Prison Commission shall keep, or cause to be kept, in a well-bound book, a minute of the proceedings of all meetings held by them.

Sec. 11. The Prison Commission shall have the authority at all times to discharge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system, or for any dereliction in duty, or whenever they may deem it to be for the best interests of the service.

Sec. 12. The Prison Commission shall have the power to purchase or cause to be purchased with such funds as may be at their disposal any lands, buildings, machinery, tools and supplies for the benefit of said prison system and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Board of Prison Commissioners with all power and authority necessary for the proper management of the prison system of this State.

Sec. 13. The Prison Commission shall have power to purchase such land as may, in their judgment, be necessary in the operation of said system and the employment of prisoners confined in said prison, and in the purchase thereof they

may pay such sum in cash as may be agreed upon with the vendor, and for the unpaid purchase money to become due upon said land they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties; and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged and that no personal liability against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this act shall be examined, passed upon and approved as good and sufficient, by the Attorney General, and all conveyances, notes, and trust deeds and other instruments executed under the provisions of this act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Commission and their successors in office, as trustees for the State.

Sec. 14. The Prison Commission shall buy annually as many acres of land as will, in four years, or sooner if practicable, from the taking effect of this act, enable all the prisoners hired out, or employed on share or contract farms and who are not otherwise employed by the State to be employed directly on farms belonging to the prison system.

Sec. 15. The Comptroller may, by and with the approval of the Board of Education of this State, loan to the Board of Prison Commissioners, and they shall have the right to borrow from the permanent school fund of this State funds necessary and to be used in the erection of such prison houses and improvements upon the lands now owned and hereafter to be purchased by the Prison Commission for the peniten-

tiaries as they may deem necessary; said loans to be in such sums and at such times as may be necessary, not to exceed, however, in the aggregate, the sum of one million dollars, which loans shall be evidenced by the notes of the Board of Prison Commissioners, and shall bear interest not to exceed five per cent per annum, which interest, with five per cent of the principal of any amount borrowed, shall be repaid annually. The payment of the money so borrowed shall be secured by liens to be fixed upon the properties of the prison system, and the Prison Commission is hereby authorized to execute such instruments as will properly fix such liens. The forms of all notes, bonds and obligations executed under the provisions of this section of this act shall be prepared by, and the execution thereof, approved by the Attorney General.

Sec. 16. The Prison Commission is authorized and it shall be its duty to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fireproof, well ventilated prison buildings, providing a separate cell or room for each prisoner, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms and chapels, and other necessary conveniences for the benefit of the prisoners. The provisions of this section shall be carried out as rapidly as practicable so that the same shall be completed in the entire prison system within six years from the taking effect of this act.

Sec. 17. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property, at such prices and on such terms as may be deemed best by them, and they may, with the approval of the Governor, sell or lease any real estate or other property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall, in the purchase or sale of all real estate, or in the purchase or sale

of any machinery or equipment for the prison system exceeding in value the sum of \$5,000, advertise, in the manner prescribed by the Prison Commission, for bids for such property in at least three daily papers in this State having a general circulation, and shall give all such bids received to the public press at least 30 days before any such contract is let.

Sec. 18. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the Prison Commission, which fund shall be known as the Prison Commission account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 23 of this act. The Prison Commission is hereby authorized to draw from the Prison Commission account in the State Treasury any and all sums of money necessary for the business transactions of the prison system. The Prison Commission is authorized to draw upon the Prison Commission account with the State Treasurer such sum or sums of money and at such time or times as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars; and provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission account to be paid. On December 1 of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the Prison Commission account and send deposit receipt to the Prison Commission.

Sec. 19. The Prison Commission may, at any time, issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, in order to supply any defect in the general laws of this State, or to provide such details not embraced herein, and for such con-

tingencies as may, at any time, arise concerning the management of the prison system or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all underofficers, employes and all persons whomsoever in any way connected with the State prison or its management, or its prisoners within and without the walls. The Prison Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system, and shall give a receipt therefor, and the prison system shall, from time to time, require examination of such officers, employes and guards as will ascertain their knowledge of such law, rules and regulations, and any such officer, employe or guard who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

Sec. 20. It shall be the duty of some member or members of the Prison Commission, or some person designated by the Prison Commission, to spend at least one whole day each month at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept, may be divided for the purpose of this inspection between two or more members of the Prison Commission or

such other person as may be designated by the Prison Commission.

Sec. 21. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiaries. Said transportation shall be on State account, and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined.

Sec. 22. The Prison Commission shall cause to be made annually, on the first day of December, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description, belonging to the prison system, and shall cause to be set opposite each item the book value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept, in the accounting department of the prison system, a system of books showing a separate account with each industry and farm, and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the first day of December, to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report.

Sec. 23. The member of the Prison Commission designated by the Board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission from every source whatsoever, and shall sign all vouchers and warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations having financial transactions with the prison system.

He shall have power to require all necessary reports from any department, officer or employe at stated intervals. All deposits or prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accountants and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the Prison Commission in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer, one of the other Prison Commissioners may sign such receipts, warrants or vouchers.

Sec. 24. On the taking effect of this act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and Secretary of State, a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the first day of December of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and Secretary of State, for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and Secretary of State renders him unfitted for said office, and in case of the discharge or resignation of any auditor another shall be appointed. During the term of his service such accountant shall be paid a monthly salary of two hundred dollars per month, and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

Sec. 25. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps

as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 26. Within a reasonable time, and not later than six months after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

Sec. 27. The Prison Commission shall, as soon as practicable, provide at each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language and industrial education and such other instruction as they may prescribe, and they shall employ such number of competent teachers to instruct the prisoners in the same as, in the judgment of the Prison Commission, may seem necessary and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such school. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library, and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same.

Sec. 28. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to the religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty. Provided, that chaplains may also be teachers, as provided for in this act.

Sec. 29. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or non-feasance in office or shall become incapable or unfit to discharge his official duties or shall willfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office by quo warranto proceedings, to be instituted by the Attorney General in the proper court of Travis county under the provi-

sions of Title 93 of the Revised Civil Statutes of 1895.

Sec. 30. The Prison Commission shall, except as provided in this act, fix the salaries of all officers and employes of the prison system upon such basis as the labor and ability of the officer or employe entitles him to such salaries, to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than thirty-five dollars per month; provided, that for meritorious service and adaptability to the work, the Prison Commission may increase the pay of any guard to an amount not to exceed fifty dollars per month. No person shall be employed as a guard to guard convicts who is not of good moral character and who is not able to read and write and has not a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the Prison Commission shall require all officers and employes connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the Prison Commission shall require all officers and employes connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 31. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared, under wholesome, sanitary conditions and in sufficient quantities and reasonable variety, and they shall hold all underofficers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 32. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all the different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 33. The Prison Commission shall

keep a register of all prisoners belonging to the prison system showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto, by expiration of sentence or otherwise.

Sec. 34. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this act, to provide every reasonable and practicable means for the encouragement of such reforms. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than the others, and likely to observe the laws and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible, or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another and shall transfer them from one class to another from time to time as they may seem to merit promotion or reduction.

The prisoners in each of the classes

hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner upon entering the prison system shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as Grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as Grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as Grade No. 3, and which the prisoner shall be clothed in stripes. The uniforms for Grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline and for the demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided.

That prison discipline may be enforced the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, but whipping and placing prisoners in stocks shall be prohibited so far as practicable. White and negro prisoners shall be kept separate.

Sec. 35. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable the Prison Commission shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners and shall provide reasonable rules and regulations for the government of the same.

Sec. 36. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the matron over such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such that they can perform physical labor. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 37. The Prison Commission shall also keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a white matron or matrons whose duty it shall be to give her personal attention to the welfare of such female prisoners.

Sec. 38. At the place where female prisoners are kept, none but married men shall be employed as guards, and the houses for such guards and their families shall be provided by the State in which the families of the guards shall live, said houses not to be situated further than one hundred yards from the main prison building where such female prisoners are kept.

Sec. 39. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three years of age, when it shall be provided for as may be prescribed by the Prison Commission.

Sec. 40. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct, shall receive compensation from the earnings of the State prison to the amount of ten cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this section twenty-five cents per day for each day of such good time so forfeited; provided, that when such prisoner has a family or relatives within the second degree by consanguinity or affinity, dependent upon him, such saving shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives, then said saving shall be paid to him upon his discharge from prison.

Sec. 41. No prisoner shall be worked on Sunday except in cases of extreme necessity, and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of \$1 per day for each Sunday so worked.

Sec. 42. The various provisions of this act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the

same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 43. In order to encourage prison discipline a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six per days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all once sentence. For each sustained charge of misconduct in violation of a rule known to the prisoner in any year of the term, the commutation allowed for one month of such year may be forfeited; for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape the prisoner voluntarily returns to prison without expense to the State, such forfeiture may be set aside. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in case of any prisoner who shall have escaped and been captured part or all of his good time thereby forfeited may be restored by the Prison Commission if, in their judgment,

his subsequent conduct entitles him thereto.

Sec. 44. Life or long term prisoners who, having actually served fifteen years without any sustained charge of misconduct, and who shall be favorably recommended to the Governor by the Prison Commission, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such prisoner shall have the benefit of the ordinary commutation as if originally sentenced for a term of years, except the Governor should otherwise direct.

Sec. 45. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable, shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only, the Prison Commission may allow prisoners to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to prisoners to post in the dining room each Monday morning for the coming week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 46. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission; provided, that no convict shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner which shall be less than one hour. In going to and returning from their work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such

labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until having first been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 47. Prisoners who have been reported by the physician or other officer in charge, as in a condition of health which requires their removal to some other place, shall be accordingly promptly removed.

Sec. 48. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of a prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of a prisoner's money who misappropriates the same or any part thereof shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the State penitentiary for a term of not more than five years.

Sec. 49. If any prisoner shall die while in prison the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of the same, then the body of such prisoner shall be turned over to such relative. If the residence and address of the relative of such prisoner is unknown such prisoner shall be decently buried and the grave marked by a board with the name of said prisoner, date of death, age, if known, and the county from which sentenced, inscribed thereon. If the body of such prisoner is not claimed by the relatives the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced, of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners and certified copies of the same made by the cus-

todian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section, who shall fail to discharge such duties shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

Sec. 50. The Prison Commission or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of such prisoner and it shall be the duty of such justice of the peace when so notified of the death of such prisoner to go in person and make a personal examination of the body of such prisoner and inquire into the cause of the death of such prisoner and said justice of the peace shall reduce to writing the evidence taken during such inquest and shall furnish a copy of the same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury if there should be any suspicion of wrong doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of any prisoner who shall fail to immediately notify a justice of the peace of the death of such prisoner shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and by confinement in the county jail not less than sixty days nor more than one year.

Sec. 51. The Prison Commission shall provide for competent medical attention for all prisoners and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable, practicing physicians of not less than two years experience in practice. Each physician employed in the prison system shall, at the end of each month, file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the

name, color and sex of each prisoner treated or examined by him during said month; the malady or disease with which each was afflicted and if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters and the condition of each prisoner treated or examined by him during said month as he may possess; provided further, that for failure to make such report or for any false statement knowingly made by any such physician in any such report he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 52. The Prison Commission shall also provide a competent dentist or dentists whose duty it shall be to care for the teeth of the prisoners, such dentist or dentists shall, at the direction of the Prison Commission, visit the various places where prisoners are kept or worked at such intervals as may be prescribed.

Sec. 53. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission with seal affixed, signed by the chairman of the Board of Prison Commissioners and giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of reasonably good quality and fit, two suits of underwear, five dollars in money in addition to any money that may be to his credit and unredeemable and non-transferable railroad transportation to the nearest depot from whence sentenced, but if such prisoner prefers, he may receive such transportation to any point in this State designated by him.

Sec. 54. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps or other places where prisoners are kept or worked, at all proper hours for the purpose of observing the conduct thereof, and may hold conversation with the prisoners apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 55. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner, not exceeding one hundred dollars, exclusive of expenses of delivery, as may be fixed by the Prison Commission and to be paid as directed by the Prison Commission.

Sec. 56. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit, any food, clothing, or other property belonging to or under the control of the prison system shall be guilty of theft and shall, on conviction, be punished as prescribed by law.

Sec. 57. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall be financially interested either directly or indirectly in any contract for the furnishing of supplies or property to the prison system or the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years and each transaction shall constitute a separate offense.

Sec. 58. Any sergeant, guard or other officer or employe of the prison system of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system, shall be guilty of an assault and upon conviction thereof shall be punished as prescribed by law. It shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner; provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners shall be permitted to testify.

Sec. 59. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe wilfully permitting gambling at any such prison, farm or camp, shall be immediately dismissed from the service.

Sec. 60. No county in this State shall be permitted to confine in the State penitentiaries any of its county convicts or prisoners before final conviction.

Sec. 61. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points and the words, "Board of Prison Commissioners of Texas," around the margin, which shall be used to attest all official acts.

Sec. 62. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of three hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum, hereby appropriated, shall be under control and at the disposal of the Prison Commission as provided in this act.

Sec. 63. Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 64. This act shall take effect and be in force on and after the 20th day of January, 1911.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Monday, August 29, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Real.	Willacy.
Sturgeon.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be

estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Respectfully,
BOB BARKER.

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 9, referred to Committee on Internal Improvements.

SENATE BILL NO. 8—ON TABLE SUBJECT TO CALL.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 8, A bill to be entitled "An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading, making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; providing for the verification of bills of lading by affidavit of local agent of carrier, prescribing form of such affidavit; providing for record of same, and fixing fee for taking same, and prohibiting the

issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions, prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency."

Senator Cofer moved that the bill be laid on the table subject to call.

The motion prevailed.

SENATE BILL NO. 9.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 9. A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bills of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected with the issuance and

handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

Senator Mayfield moved that the bill be laid on the table subject to call.

The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 1.

The Chair laid before the Senate, the following resolution:

Senate Concurrent Resolution No. 1:

Whereas, On the night of August —, 1910, a company of State rangers were led into a trap and fired upon from ambush, resulting in the killing of two rangers and the serious wounding of two others; therefore be it

Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding \$5000 for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

For the purpose of carrying into effect the provisions of this resolution there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$5000, or so much thereof as may be necessary, to pay such reward as the Governor may see proper to offer.

There being a favorable majority committee report and an adverse minority committee report,

Senator Terrell of Bowie moved to adopt the minority committee report, and

Senator Murray moved, as a substitute, to adopt the majority committee report in lieu of the minority committee report.

Pending discussion,

Senator Murray moved to postpone further consideration of the resolution for an indefinite time.

The motion prevailed.

HOUSE BILL NO. 3.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 3, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in constructing or repairing railroad cars, trucks or other railroad equipment, not

including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather. employees engaged in constructing or repairing railroad cars, trucks and other railroad equipment and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

Senator Brachfield moved that the bill be laid on the table subject to call.

The motion prevailed.

AT EASE.

The calendar being clear, on motion of Senator Brachfield the Senate was at ease subject to the call of the Chair.

IN SESSION.

At 11:35 o'clock a. m. the Senate was called to order by Lieutenant Governor Davidson.

COMMITTEE REPORTS.

By unanimous consent Senator Brachfield filed a committee report on House bill No. 9, the bill of lading bill, and Senator Weinert filed a committee report on Senate bill No. 10, the penitentiary bill.

RECESS.

Senator Hume moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Terrell of Bowie moved as a substitute that the Senate recess until 4 o'clock today.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow morning was lost by the following vote:

Yeas—8.

Adams.
Hudspeth.
Hume.
Kauffman.

Kellie.
Murray.
Watson.
Weinert.

Nays—18.

Alexander.	Paulus.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.

Absent.

Peeler.	Sturgeon.
Real.	Willacy.

The motion to recess until 4 o'clock then prevailed.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 29, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subject and suggest legislation thereon:

1. Legislation amending an act entitled "An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island, across Galveston Bay, to connect as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause," approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth

Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue for the purpose mentioned in said act bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed fifteen cents on the one hundred dollars valuation of property subject to taxation in said county, and providing for the sale of such bonds, and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency.

Very respectfully,
T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Watson, Weinert, Perkins, Kellie and Paulus:

Senate Concurrent Resolution No. 2:
Resolved by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, September 3, 1910.

Read first time, and referred to Committee on State Affairs.

By Senator Kauffman:

Senate bill No. 11. A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency

clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

SIMPLE RESOLUTION.

By Senator Brachfield:

Whereas, Senate bill No. 6, pending in the Senate upon a motion to reconsider, was inadvertently sent to the House of Representatives; therefore, be it

Resolved, That the House of Representatives be requested to return said Senate bill No. 6 to the Senate for further action.

COFER,
WARD,
BRACHFIELD.

The resolution was read and adopted.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 1:10 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carrier, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading should be issued; providing for the verification of bills of lading by affidavit of local agent of carrier; prescribing form or such affidavit; providing for record of same, and fixing fee for taking same; and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bill of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading, and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or

negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by adding between the caption and Section 1 of the bill the following words: "Be it enacted by the Legislature of the State of Texas."

Brachfield, Chairman; Hume, Holsey, Perkins, Mayfield, Terrell of McLennan, Kauffman, Bryan.

Committee Room,
Austin, Texas, August, 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor, and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,
Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings or sheds for the protection from rain, wind or other inclement weather, employees engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency,'"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stock and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

TENTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, August 30, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Sturgeon. Willacy.

Prayer by Rev. V. A. Godby, pastor of the Tenth Street Methodist Church, Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

SIMPLE RESOLUTION.

Senator Hudspeth offered the following as nominations for officers to fill vacancies occasioned by the resignation of two of the officers:

Whereas, A vacancy has occurred in the position of Assistant Doorkeeper; and,

Whereas, It is necessary that we have some one for that position; therefore, be it

Resolved, That Stuart Francis of Austin, Travis county, Texas, be selected to officiate in that position, and that he be paid the same salary as is now allotted to that position; and,

Whereas, Miss Bonna Whitaker has resigned as Assistant Enrolling Clerk; therefore, be it

Resolved, That Mr. C. A. Jay of Rusk county be selected for that position, and the same salary as heretofore paid be paid him for his service.

HUDSPETH,
BRACHFIELD,
PEELER,
WATSON.

In accordance with the above nominations, the Chair asked if there were any other nominations for Assistant Doorkeeper.

There being no other nominations, the Chair declared nominations closed, and

directed that the Senators prepare their ballots.

Senators Ward, Terrell of Wise and Perkins were appointed as tellers.

Mr. Francis received 25 votes, all the votes cast, and the Chair declared him duly and constitutionally elected as Assistant Doorkeeper.

There being no further nominations for Assistant Enrolling Clerk, the Chair declared nominations closed.

Mr. Jay received 25 votes, all the votes cast, and was declared duly and constitutionally elected Assistant Enrolling Clerk.

OATH OF OFFICE ADMINISTERED.

The Chair then administered the constitutional oath of office to Mr. Francis and Mr. Jay.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate to return Senate bill No. 6, and herewith returns same.

Also concurs in Senate amendments to House bill No. 8 by the following vote: Yeas, 99; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Morning call concluded.

SENATE CONCURRENT RESOLUTION NO. 2.

On motion of Senator Watson, the pending order of business (Senate bill No. 10) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 2, by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Paulus.
Harper.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Terrell of Bowie.
Meachum.	Terrell of McLennan.

Veale. Weinert.
Watson.

Nays—9.

Brachfield. Mayfield.
Bryan. Ratliff.
Cofer. Terrell of Wise.
Greer. Ward.
Holsey.

Absent.

Sturgeon. Willacy.

The Chair laid before the Senate.

Senate Concurrent Resolution No. 2:

Resolved, by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, September 3, 1910.

On motion of Senator Watson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this resolution (see Appendix for committee report), by the following vote:

Yeas—20.

Adams. Paulus.
Alexander. Peeler.
Bryan. Perkins.
Harper. Real.
Hudspeth. Senter.
Hume. Terrell of Bowie.
Kauffman. Terrell of McLennan.
Kellie. Veale.
Meachum. Watson.
Murray. Weinert.

Nays—8.

Brachfield. Mayfield.
Cofer. Ratliff.
Greer. Terrell of Wise.
Holsey. Ward.

Absent.

Sturgeon. Willacy.

There being an adverse majority committee report, and a favorable minority committee report, Senator Watson moved to adopt the minority committee report.

Senator Cofer moved, as a substitute, to adopt the majority committee report.

Action recurred on the substitute first, and the same was lost by the following vote:

Yeas—8.

Brachfield. Mayfield.
Cofer. Ratliff.
Greer. Terrell of Wise.
Holsey. Ward.

Nays—20.

Adams. Paulus.
Alexander. Peeler.
Bryan. Perkins.
Harper. Real.
Hudspeth. Senter.
Hume. Terrell of Bowie.
Kauffman. Terrell of McLennan.
Kellie. Veale.
Meachum. Watson.
Murray. Weinert.

Absent.

Sturgeon. Willacy.

The minority committee report (favorable) was then adopted.

The resolution was then read and passed.

Senator Watson moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

(Senator Brachfield in the chair.)

SENATE BILL NO. 11.

On motion of Senator Kauffman, the pending order of business (Senate bill No. 10) was suspended, and the Senate took up, out of its order, Senate bill No. 11, by the following vote:

Yeas—27.

Adams. Murray.
Alexander. Paulus.
Brachfield. Peeler.
Bryan. Perkins.
Cofer. Ratliff.
Greer. Real.
Harper. Senter.
Holsey. Terrell of Bowie.
Hudspeth. Terrell of Wise.
Hume. Veale.
Kauffman. Ward.
Kellie. Watson.
Mayfield. Weinert.
Meachum.

Absent.

Sturgeon. Willacy.
Terrell of McLennan.

On motion of Senator Kauffman, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Weinert.
Mayfield.	

Absent.

Sturgeon.	Watson.
Terrell of Bowie.	Willacy.
Terrell of McLennan.	

The Chair laid before the Senate, on second reading.

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation: also establishing three mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way, upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and

providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

On motion of Senator Kauffman, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Kauffman, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Weinert.
Mayfield.	

Absent.

Ratliff.	Watson.
Sturgeon.	Willacy.
Terrell of Bowie.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.

Absent.

Sturgeon.	Watson.
Terrell of Bowie.	Willacy.

Senator Kauffman moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 10—PENITENTIARY BILL.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor, and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act,"

(Lieutenant Governor Davidson in the chair.)

Senator Harper moved that the Senate be at ease subject to the call of the Chair.

At 11 o'clock the Senate was called to order.

Action recurred on Senate bill No. 10, the question being on the engrossment.

IN COMMITTEE OF THE WHOLE SENATE.

Senator Weinert moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate bill No. 10.

The motion prevailed and the Senate resolved itself into a Committee of the Whole Senate.

IN THE SENATE.

At 12:30 o'clock the Committee of the Whole arose and resolved itself into a session of the Senate.

RECESS.

On motion of Senator Weinert, the Senate recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That Senator-elect Lattimore, now in the Capitol, be extended the privilege of the floor of the Senate.

COFER.

MAYFIELD.

The resolution was read and adopted.

EXCUSED.

For non-attendance on account of important business:

Senator Real, for Saturday and yesterday, on motion of Senator Alexander.

IN COMMITTEE OF THE WHOLE.

Senator Weinert moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate bill No. 10.

IN THE SENATE.

(Lieutenant Governor Davidson presiding.)

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for

their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expenses of such clerical force and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the repeal of all laws in conflict herewith, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 7—FREE CONFERENCE COMMITTEE ON.

Senator Brachfield called up Senate bill No. 7, the insurance bill, with the following House amendments:

(1)

Amend Senate bill No. 7 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Every fire insurance company, every marine insurance company, every fire and marine insurance company, every fire and tornado insurance company, and each and every insurance company of every kind and name, issuing a contract or policy of insurance, or contracts or policies of insurance against loss by fire on property within this State, whether such property be fixed or movable, stationary or in trans-

it, or whether such property is consigned or billed for shipment within or beyond the boundary of this State or to some foreign country, whether such company is organized under the laws of this State or under the laws of any other State, Territory or possession of the United States, or foreign country, or by authority of the Federal government, now holding a certificate of authority to transact business in this State, or hereafter granted authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder, upon condition that it consents to the terms and provisions of this act and that it agrees to transact business in this State subject thereto; it being intended that every contract or policy of insurance against the hazard of fire shall be issued in accordance with the terms and provisions of this act, and the company issuing the same governed thereby, regardless of the kind and character of such property and whether the same is fixed or movable, stationary or in transit, including the shore end of all marine risks insured against loss by fire.

Sec. 2. That there may be reasonable and just insurance rates in Texas, there is hereby created a board to be known as the "State Insurance Board," which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and two members, who shall be appointed by the Governor by and with the consent of the Senate; the members of said board other than the Commissioner of Insurance and Banking, shall be appointed as herein provided, within ten days after this act takes effect; one of said members to be so appointed shall be appointed for a term ending August 1, 1911, and biennially thereafter; the other of said members of said board shall be appointed for a term ending August 1, 1912, and biennially thereafter, and the Governor in making his first appointments to fill these respective offices shall designate which of said officers shall fill the term expiring August 1, 1911, and which of said officers shall fill the term expiring August 1, 1912. The Commissioner of Insurance and Banking, for the purpose of this act, may be referred to as the Commissioner of Insurance.

Sec. 3. The members of said board other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum

of \$2500 per annum; and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act the sum of \$500 per annum, in addition to his compensation as now fixed by law. Such salaries of the said two appointed members of said board and the said \$500 salary of the Commissioner of Insurance and Banking, together with the necessary compensation of experts, the clerical force, and other persons employed by said board, and all necessary traveling expenses, and such other expenses as may be necessary, incurred in carrying out the provisions of this act, shall be paid by warrant drawn by the Comptroller upon the State Treasurer upon the order of said board; provided, that the total amount of all salaries and said other expenses shall not exceed the sum of \$25,000 annually; and for the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$25,000, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, and ending August 31, 1911.

Sec. 4. The State Insurance Board shall have the power and authority and it shall be its duty to prescribe, fix, control and regulate rates of fire insurance, as provided in this act. It shall make and prescribe general basis schedules, together with rules and regulations for determining specific rates therefrom and furnish each insurance company now doing business in this State, or which may hereafter be granted a certificate of authority to do business in this State, a copy of such general basis schedules; and the said board shall also have authority to alter or amend such general basis schedules in accordance with the provisions of this act. Said board shall also supervise, control and regulate rates of insurance, and shall have authority to alter and revise and to raise and lower such rates, and to alter and revise, raise and lower such general basis schedules or any part thereof, and decide all questions required, authorized or permitted to be passed upon by said board, under the provisions of this act. Said board shall also have authority to employ clerical help, experts, inspectors and such other assistants, and to incur such other expenses as may be necessary in carrying out the provisions of this act not to exceed the sum of \$25,000 per

annum, including salaries of the members of the board and all other expenses, to be paid out of the State Treasury.

It shall be the duty of said board to ascertain, as soon as practicable, the annual fire loss of this State; to obtain, make and maintain a record thereof and collect such data and information with respect thereto as will enable said board to classify the fire losses of this State, the causes thereof and the amount of premiums collected therefor for each class of risks and the amount paid thereon, in such manner as will be of assistance in determining equitable insurance rates, methods of reducing such fire losses and reducing the insurance rates of the State.

Sec. 5. For the purpose of facilitating the work of said board, one of the appointed members thereof shall be selected by the board as its secretary, who shall perform the duties which shall appertain to that position, and whose official title shall be "Secretary of the State Insurance Board;" the other of said appointed members thereof shall be selected by said board as Fire Marshal of the State Insurance Board, and his official title shall be "Fire Marshal of the State Insurance Board;" but the said members so selected as Secretary and Fire Marshal, as aforesaid, shall receive no compensation for filling their respective positions other than their salaries as members of the State Insurance Board, and shall perform the duties of these respective positions at the will of the board, but their expenses incurred in performing the duties of these respective positions shall be paid as provided in this act.

Sec. 6. It shall be the duty of the Fire Marshal of the State Insurance Board, who, for the purpose of this act, may be referred to as the State Fire Marshal; at the discretion of the board, and upon the request of the mayor of any city or village, or the chief of a fire department of any city or village, or any village fire marshal, where a fire occurs within such city or village, or of a county or district judge, or of the sheriff or county attorney of any county, where a fire occurs within the district or county of the officer making such request, or of any fire insurance company, or its general, State or special agent, interested in a loss, or of a policyholder sustaining a loss, or upon the direction of the State Insurance Board, to forthwith investigate at the place of such

fire the origin, cause and circumstances of any fire occurring within this State, whereby property has been destroyed or damaged, and shall ascertain, if possible, whether the same was a result of an accident, carelessness or design, and shall make a written report thereof to the State Insurance Board, and shall also furnish, in writing, to the county or district attorney of the county in which such fire occurred, all the information and evidence obtained by him, including a copy of all pertinent testimony taken in the case.

Sec. 7. The State Fire Marshal shall have power to administer oaths, take testimony, compel the testimony, compel the attendance of witnesses and the production of documents and to enter at any reasonable time, any buildings or premises where a fire has occurred or is in progress, or any place contiguous thereto for the purpose of investigating the cause, origin and circumstances of such fire. And he may enter and examine at any reasonable time any building, structure or place for the purpose of ascertaining the fire hazard and may remove or require the owner or occupant to remove or safely store combustible material, dangerously exposed or improperly placed therein, and to remove any unnecessary exposure to fire hazard found therein; the said State Fire Marshal is hereby authorized, when necessary, to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this section, and in such case he shall not be required to give bond.

Sec. 8. The State Insurance Board shall have authority, and it shall be its duty to appoint a deputy fire marshal of the State Insurance Board for every town or village in this State whether incorporated or unincorporated, with or without salary, unless such town or village already has a fire marshal; provided, that the expenses and salary of such deputy fire marshal of the State Insurance Board shall be paid by such town, city or village or the inhabitants thereof and not by the State; and such deputy fire marshal of the State Insurance Board so appointed may be known as the Fire Marshal of such town, city or village; and such deputy fire marshal of the State Insurance Board when so appointed shall perform such duties and have such powers and authorities as may be conferred upon him by the State Insurance Board, not inconsistent with

law, and shall at all times act in accordance with the orders and directions of the State Insurance Board.

Sec. 9. If for any reason the State Fire Marshal is unable to make any required investigation in person he may designate the fire marshal of such city or town, or some other suitable person to act for him; and such person so designated shall have the same authority as is herein given the State Fire Marshal with reference to the particular matter to be investigated by him, and shall receive such compensation for his services as may be allowed by the State Insurance Board. If the investigation of a fire is made at the request of an insurance company or at the request of a policyholder sustaining loss, or at the request of the mayor, town clerk or chief of the fire department of any city, village or town in which the fire occurred, then the expense of such investigation, including the traveling and other expenses of the Fire Marshal, clerical expenses, witnesses and officers' fees, incident and necessary to such investigation shall be paid by such insurance company, or such policyholder, or such city or town as the case may be, otherwise the expenses of such investigation are to be paid as part of the expenses of the State Insurance Board. Provided, the party or parties, company or companies requesting such investigation shall before such investigation is commenced deposit with the State Insurance Board an amount of money in the judgment of said board sufficient to defray the expenses of said Fire Marshal in conducting such investigation.

Sec. 10. No action taken by the State Fire Marshal shall affect the rights of any policyholder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any such investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by any insurance company, its officers, agents or adjusters, nor by any policyholder or anyone representing him, made with reference to the origin, cause or supposed origin or cause, of a fire to the Fire Marshal or to any one acting for him or under his directions, be admitted in evidence or made the basis for any action for civil damages.

Sec. 11. The said board is authorized and empowered to require sworn statements from any insurance company affected by this act and from any of its officers, directors, representatives, gen-

eral agents, State agents, special agents and local agents of the rates and premiums collected for the fire insurance, on each class of risks, on all property in this State during any or all years for the five years next preceding the first day of January, 1910, and of the causes of fires, if such be known, if they are in possession of such data and information, or can obtain it at a reasonable expense; and said board is empowered to require such statements for any period after the first day of January, 1910; and said board is empowered to require such statements showing all necessary facts and information to enable said board to make, amend and maintain the general basis schedules provided for in this act, and the rules and regulations for applying same and to determine reasonable and proper specific rates and to enforce and assist in the enforcement of the provisions of this act. The said board shall also have the right, at its discretion, either personally or by some one duly authorized by it to visit the offices, whether general, local or otherwise, of any insurance company doing business in this State, and the home office of said company outside of this State, if there be such, and the office of any officers, directors, general agents, State agents, local agents or representatives of such company, and there require such company, its officers, agents or representatives to produce for inspection by said board or by its duly authorized representatives, all books, records and papers of such company or such agents and representatives; and the said board or its duly authorized agents or representatives shall have the right to examine such books, records and papers and make or cause to be made copies thereof; and shall have the right to take testimony under oath with reference thereto, and to compel the attendance of witnesses for such purpose; and any company, its officers, agents or representatives failing to make such statements and reports herein referred to and failing or refusing to permit the examination of books, papers and records as herein required when so called upon, or declining or failing to comply with any provision of this section shall be subject to the penalties provided for in Section 24 of this act.

Sec. 12. Immediately upon the taking effect of this act, or as soon thereafter as practicable, said board is empowered, and it is hereby made its duty, to prepare a system of general basis schedules, together with rules for ap-

plying the same, for determining fire insurance rates on property in this State; the said general basis schedules and the rules for applying the same to be at all times reasonable; the said board may employ and use any facts and information now in the possession of or in the records of the present State Fire Rating Board, as well as all facts obtainable from and concerning fire insurance companies transacting business in this State, showing the experience of said companies, and charges for premium on fire insurance, and generally as to the transaction of their said business during the years named in Section 11 of this act or during any other period of time, in order to devise and fix reasonable general basis schedules and rules for applying the same for determining rates. The said board in preparing such general basis schedules showing the rates on all classes of risks insurable by any company in this State, shall show all charges, credits, terms, privileges and conditions which in anywise affect such rates or the application of such rates to specific risks or the cost of insurance; provided, that such schedules and the rules for applying same shall be furnished by said board to any and all insurance companies affected by this act applying therefor; and the same shall be furnished to any citizen of this State applying therefor upon the payment of the actual cost thereof; that such general basis schedules and the rules prescribed with reference thereto shall not take effect until said board shall have entered an order or orders fixing the same and shall have given notice to all insurance companies affected by this act, authorized to transact business in this State.

Sec. 13. It is further provided that after the adoption and promulgation of the general basis schedules and the rules and regulations for applying the same, as herein provided for by the board, every insurance company writing fire insurance policies within this State shall, within a reasonable time, file with the State Insurance Board its application of said general basis schedules to the specific risks of the State, and the specific rates obtained thereby in accordance with the several provisions of this act; and, provided further, that any one or more insurance companies may employ, for the application of such general basis schedules and the making of such specific rates, the service of such experts as they may deem advisable for such purpose, but the contract or contracts of employment of such experts

shall first be submitted to the State Insurance Board for its approval; provided further, that the State Insurance Board shall have authority, and it shall be the duty of said board, personally or by its agents, to inspect and supervise the work of said experts in the application of said general basis schedules in the determination of specific rates; provided further, that said company or companies shall file with the board copies of all maps and copies of the analysis of all applications of said general basis schedules to the specific risks of this State, if required to do so by the board. And it shall be the duty of the expert or experts representing the insurance companies, or any insurance company in this State, to furnish at the date of the inspection to the owners of all risks inspected for the purpose of applying the general basis schedules provided for in this act, a copy of such inspection report, showing all defects that operate as charges to increase the insurance rate.

It is further provided that the specific rates so made by a company or companies for any city, town, village or locality, shall not take effect, and such company or companies shall not write insurance thereunder until such specific rates shall have been approved by the board; the board shall have authority to reject said specific rates so made or any part thereof, or to alter, amend, modify or change the same; or to permit such specific rates to become effective for a limited time, or any modification or change thereof for a limited time, in its discretion; provided, however, that the said board shall have authority in its discretion to permit the said company or companies to apply the said schedules of basis rates to risks other than mercantile and special hazards without having first submitted the specific rates so made to said board for approval. But such rates that the board may permit any company or companies to apply without the board's approval shall always be subject to review by the board and by the proper showing of any policyholder or holders may be reduced. It is further provided that all changes made by any company in the specific rates made by it in applying the general basis schedules shall be subject to the review of the board for its approval or disapproval, and shall be reported to the board in such manner and form as may be prescribed by the board. Provided further, that any insurance company or companies affected by this act shall have the right at any time to petition the board for an order changing or mod-

ifying the general basis schedules, or the application of the general basis schedules to the specific risks; and the board shall consider such petition as provided in this act and enter such order as the board may deem just and equitable to such company or companies, to competing companies and to the public. Provided further, also, that any company affected by this act shall have the right to apply to the board for an order permitting such company to reduce the specific rates of insurance on property within this State, and the board shall consider such application and enter such order with reference thereto as it may deem just and equitable to such company, to competing companies and to the public; but in no event shall discriminating be permitted between persons or between different classes of risks.

The board shall also have the power and authority to give each city, town, village or locality credit for each and every hazard they may reduce or entirely remove, also for all added fire fighting equipment, increased police protection or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality. The board shall also have the power and authority to compel any company to give any and all policyholders credit for any and all hazards that said policyholder or holders may reduce or remove. Said credit shall be in proportion to such reduction or removal of such hazard, and said company or companies shall return to such policyholder or holders such proportional part of unearned premiums charged for such hazards that may be reduced or removed.

Sec. 14. It is provided that after the approval by the board of the specific rates made by the insurance companies hereunder, that thereafter when a policy of insurance is written that the policyholder shall be furnished by the company with a copy of the analysis of his specific rate showing the items of charge and credit which determine the rate, unless such policyholder has theretofore been furnished with such analysis of his rate; it is also further provided that the general basis schedules and all specific rates and local tariffs filed in accordance with the provisions of this act shall be open to the inspection of the public, and each local agent shall have and exhibit to the public copies thereof relative to all risks upon which he is authorized to write insurance.

Sec. 15. It is further provided that

until the general basis schedules herein provided for shall have been promulgated by the board and the specific rates thereunder made by the companies and approved by the board, that the board shall designate at what rates and under what rules and regulations insurance may be written within this State, and such rates, rules and regulations so designated shall govern all companies writing contracts or policies of fire insurance under the provisions of this act.

Sec. 16. The said board shall have authority, upon reasonable notice, not exceeding thirty days, of its intention to do so, to alter, amend or revise said general basis schedules promulgated by it, or the specific rates approved or ordered by it, as herein provided, and to give reasonable notice of such alteration, amendment or revisions to the public or to any company or companies affected thereby. Such altered, amended or revised schedules or rates shall be the schedules or rates to be thereafter charged for insurance by any company in this State; provided, that the board may order changes to be made to meet unusual conditions in any particular locality, should such conditions exist or arise, by giving similar notice to the public or to any company affected thereby. Provided, the changes or amendments made to the general basis schedules shall apply only to policies of insurance written after the order of the board making such changes or amendments becomes effective. Provided further, that no policy existing prior to the taking effect of such changes or amendments to the general basis schedules shall be affected by such changes or amendments unless there shall be a change in the hazard of the risk necessitating a change in the rate applicable to such risk, in which event such policy shall be subject to the new rates applicable under the changed or amended general basis schedules.

Sec. 17. It shall be the duty of the State Insurance Board to make, promulgate and establish uniform policies of insurance applicable to the various risks of this State, copies of which uniform policies shall be furnished each company doing business in this State or which may hereafter do business in this State. That after such uniform policies shall have been established and promulgated and furnished the respective companies doing business in this State, such companies shall, within sixty days after the receipt of such forms of policies, adopt and use said form or forms and

no other; and all companies which may commence business in this State after the adoption and promulgation of such forms of policies, shall adopt and use the same and no other form of policies. The said Insurance Board shall also prescribe all standard forms, clauses and endorsements used on or in connection with insurance policies. All other forms, clauses and endorsements placed upon insurance policies shall be placed thereon subject to the disapproval of the board. Provided, no endorsement clause or rider so attached to or placed upon any such policy of insurance shall avoid or in any way affect such policy or any provision thereof until same shall have first been approved by said board. The board shall also have authority in its discretion to change, alter or amend such form or forms of policy or policies, and such clauses and endorsements used in connection therewith upon giving notice and proceeding in accordance with Section 19 of this act.

Sec. 18. It is provided that any citizen or number of citizens of this State, or any policyholder or policyholders, or any insurance company affected by this act, or any board of trade, chamber of commerce or other civic organization, or the civil authorities of any town, city or village, shall have the right to file a petition with the Insurance Board setting forth any cause of complaint that they may have as to any order made by this board, or any schedule promulgated by this board, or as to any specific rate approved by this board, and that they shall have the right to offer evidence in support of the allegations of such petition by witnesses, or by depositions or by affidavits; that upon the filing of such petition the party complained of, if other than the board, shall be notified by the board of the filing of such petition and a copy thereof furnished the party or parties, company or companies, of whom complaint is made, and the said petition shall be set down for a hearing at a time not exceeding thirty days after the filing of such petition, and the board shall hear and determine said petition; but it shall not be necessary for the petitioners or any one for them to be present to present the cause to the board, but they shall consider the testimony of all witnesses, whether such witnesses testify in person, or by deposition, or by affidavits, and if it be found that the complaint made in such petition is a just one, then the matters

complained of shall be corrected or required to be corrected by said board.

Sec. 19. The State Insurance Board shall give the public and all insurance companies to be affected by its orders or decisions, reasonable notice thereof, not exceeding thirty days, and an opportunity to appear and be heard with respect to the same; which notice to the public shall be published in one or more daily papers of the State and such notice to the insurance company or companies to be affected thereby shall be by letter deposited in the postoffice, addressed to the State or general agent of such company or companies, if the address of such State or general agent be known to the board, or, if not known, then such letter shall be addressed to some local agent of such company or companies, or, if the address of a local agent be unknown to the board, then by publication in one or more of the daily papers of the State, and the board shall hear all protests or complaints from any insurance company or any citizen, or any city, town or village, or any commercial or civic organization as to the inadequacy or unreasonableness of any rates fixed by it or approved by it, or as to the inadequacy or unreasonableness of any general basis schedules promulgated by it or the injustice of any order or decision by it; and if any insurance company, or other person, or commercial or civic organization, or any city, town or village, which shall be interested in any such order or decision, shall be dissatisfied with any regulation, schedule or rate adopted by such board, such company or person, commercial or civic organization, city, town or village shall have the right, within thirty days after the making of such regulation or order, or rate, or schedule, to bring an action against said board in the district court of Travis county to have such regulation, or order, or schedule, or rate vacated or modified; and shall set forth in a petition therefor the principal ground or grounds of objection to any or all of such regulations, schedules, rates or orders; in any such suit, the issue shall be formed and the controversy tried and determined as in other civil cases, and the court may set aside and vacate or annul any one or more or any part of any of the regulations, schedules, orders or rates promulgated or adopted by said board, which shall be found by the court to be unreasonable, unjust, excessive or inade-

quate, without disturbing others. No injunction, interlocutory order or decree suspending or restraining directly or indirectly the enforcement of any schedule, rate, order or regulation of said board shall be granted.

Provided, that in such suit the court, by interlocutory order, may authorize the writing and acceptance of fire insurance policies at any rate which in the judgment of the court is fair and reasonable during the pending of such suit, upon condition that the party to such suit in whose favor the said interlocutory order of said court may be, shall execute and file with the Commissioner of Insurance and Banking a good and sufficient bond to be first approved by said court, conditioned that the party giving said bond will abide the final judgment of said court and will pay to Commissioner of Insurance and Banking whatever difference in the rate of insurance it may be finally determined to exist between the rate as fixed by said board complained of in such suit, and the rate finally determined to be fair and reasonable by the courts in said suit; and the said Commissioner of Insurance and Banking, when he receives such difference in money, shall transmit the same to the parties entitled thereto.

Whenever any action shall be brought by any company under the provisions of this section within said period of thirty days, no penalties nor forfeitures shall attach or accrue on account of the failure of the plaintiff to comply with the orders, schedules, rates or regulations sought to be vacated or modified in such action until the final determination of the same.

Either party to any such action, if dissatisfied with the judgment or decree of said court, may appeal therefrom as in other civil cases. No action shall be brought in any court of the United States to set aside any orders, rates, schedules or regulations made by said board under the provisions of this act until all the remedies provided herein shall have been exhausted by the party complaining.

If any insurance company affected by the provisions of this act shall violate any of the provisions of this section, the Commissioner of Insurance shall, by and with the consent of the Attorney General, cancel its certificate of authority to transact business in this State.

Sec. 20. No company shall engage or

participate in the insuring or reinsuring of any property in this State against loss or damage by fire, except in compliance with the provisions of this act; nor shall any such company knowingly write insurance at any rate from the rates provided for in this act, or refund, or remit, in any manner, or by any device, any portion of the rates so established, or extend to any insured or other person any privilege, advantage, favor or inducement except such as is specified in the general basis schedule prepared and established by said board; and pending the fixing and establishment of said schedules and rates by said board no such company shall refund or remit in any manner or by any device any portion of the rates promulgated by the board under this act, or extend to any insured or other person any privileges, advantages, favors or inducement not authorized by the orders of the board under this act.

It shall be unlawful for any insurance company authorized under the terms of this act to transact business in this State to directly or indirectly, by any special rate, tariff, rebate, drawback or other device, charge, demand, collect or receive from any person or persons a greater or less or different compensation for the insuring of any property in this State than it charges, demands, collects or receives from any other person or persons for like insurance on risks of like kind and hazard under similar circumstances and conditions; nor shall any company, or its officers, directors, general agents, State agents, special agents, local agents, or its representatives, grant or contract for any special favor or advantage in the dividends or other profits to accrue thereon, or in commissions or division of commissions, or any position, or any valuable consideration, or any inducement not specified in the policy contract of insurance; nor shall such company give, sell or purchase, offer to give, sell or purchase, directly or indirectly, as an inducement to insure or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, partnership or individual, or any dividends or profits accrued or to accrue thereon or anything of value whatsoever not specified in the policy; but nothing in this section or in this act shall be construed to prohibit the company from sharing its profits with its policyholders; provided, that such agreement as to profit-sharing shall be placed on or in the face of the pol-

icy, and such profit-sharing shall be uniform and shall not discriminate between individuals or between classes; provided, however, that no part of the profit shall be paid until the expiration of the policy.

Any company, or any of its officers, directors, general agents, State agents, special agents, local agents or its representatives, doing any of the acts in this section prohibited, shall be deemed guilty of unjust discrimination; provided, the board, for good cause shown, may allow risks of like kind and hazard situated in any locality to be written temporarily at a different rate from such risks similarly situated in other localities without subjecting the company so writing to the penalties herein after prescribed for discrimination.

Provided, however, that if any agent or company shall issue a policy without authority, and any policyholder holding such policy shall sustain a loss or damage thereunder, said company or companies shall be liable to the policyholder thereunder, in the same manner and to the same extent as if said company had been authorized to issue said policy, although the company issued said policy in violation of the provisions of this act. But this shall not be construed to give any company the right to issue any contract or policy of insurance other than as provided in this act.

Sec. 21. No person shall knowingly receive or accept from any insurance company or from any of its agents, sub-agents, brokers, solicitors, employees, intermediaries or representatives, or any other person, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other financial profits accrued or to accrue thereon or any valuable consideration, position or inducement not specified in the policy of insurance, and any person so doing shall be guilty of a violation of the provisions of this section, and shall be punished by a fine of not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding ninety days, or by both such fine and imprisonment.

Sec. 22. The provisions of this law shall not deal with the collection of premiums, but each company shall be permitted to make such rules and regulations as it may deem just between the company, its agents and its policyholders; and no bona fide extension of credit shall be construed as a discrimination, or in violation of the provisions of this act.

Sec. 23. The Commissioner of Insurance, upon ascertaining that any insurance company or officer, agent or representative thereof, has violated any of the provisions of this act, may, at his discretion, and with the consent and approval of the Attorney General, revoke the certificate of authority of such company, officer, agent or representative; but such revocation of any certificate shall in no manner affect the liability of such company, officer, agent or representative to the infliction of any other penalty provided by this act, and provided that any action, decision or determination of the Commissioner of Insurance and Banking and the Attorney General in such cases shall be subject to the review of the courts of this State as herein provided.

Sec. 24. Any insurance company affected by this act, or any officer or director thereof, or any agent or person acting for or employed by any insurance company, who, alone or in conjunction with any corporation, company or person, who shall willfully do or cause to be done, or shall willfully suffer or permit to be done, any act, matter or thing prohibited or declared to be unlawful by this act, or who shall willfully omit or fail to do any act, matter or thing required to be done by this act, or shall cause or willfully suffer or permit any act, matter or thing directed by this act not to be done, or who shall be guilty of any willful infraction of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars for each offense; provided, that if the offense for which any person shall be convicted, as aforesaid shall be an unlawful discrimination, such person shall be punished by a fine not less than three hundred dollars, nor more than one thousand dollars or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment for each offense; provided, that the punishment of imprisonment shall not apply to artificial persons: provided, however, that the obeying of any order of said board shall not be construed to be a discrimination, and a company, officer, director, agent or employee thereof shall not be guilty of discrimination for obeying any order of said board.

Sec. 25. No person shall be excused from giving testimony or producing evidence when legally called upon to do so at the trial of any other person or com-

pany charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence under this act, except for perjury in so testifying.

Sec. 26. This act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State and carried on by the members thereof solely for the protection of their property and not for profit; nor to purely co-operative, interinsurance and reciprocal exchanges carried on by the members thereof solely for the protection of their property and not for profit.

Sec. 26a. This act shall go into effect and become operative from and after the first day of September, 1910, and not before.

Sec. 27. Chapter 18 of the General Laws of the Thirty-first Legislature, passed by its First Called Session and approved April 19, 1909, entitled "An Act providing the conditions upon which fire insurance companies shall transact business in this State: and providing for the regulation and control of rates of premiums on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board: and to provide penalties for violation of this act, and declaring an emergency," and all other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 28. The fact that there is now no sufficient law in this State prohibiting unjust discriminations in the collection of fire insurance rates as between citizens of this State; nor protecting citizens in securing reasonable rates, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and that his act take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend Senate bill No. 7 by striking out all before the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire

may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of general basis schedules, rates and premiums, and forms and policies; and to prevent discrimination therein, and to create a State Insurance Board and prescribing the duties and authority of said board and each member thereof, and fixing the salaries of the members thereof; providing certain duties for, and giving certain authority to the Commissioner of Insurance and Banking; appropriating money necessary to carry out the provisions of this act; and providing penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, and all other laws and parts of laws in conflict therewith, and declaring an emergency."

(3)

Amend committee amendment to Senate bill No. 7. Section 7, page 14, by striking out all of Section 7, after the word "fire," in line 15.

Senator Brachfield moved that the Senate do not concur in the House amendments, and request a Free Conference Committee.

The motion prevailed and the Chair (Lieutenant Governor Davidson) appointed the following Free Conference Committee:

Senators Hudspeth, Alexander, Brachfield, Weinert and Terrell of Bowie.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employees engaged in repairing railroad cars or other railroad equipment, and providing penalties for the violation of this act, and regulating penalties, and repealing Chapter 53, Acts

of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency,'" with amendments.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 7, and the following has been appointed on the part of the House: Messrs. Vaughan, Looney, Crawford, Stratton and Cureton.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 6.

Senator Brachfield called up Senate bill No. 6, which was finally passed by the Senate on Saturday, August 27, and the vote by which the bill was passed was spread on the Journal, and moved to reconsider the vote by which the bill was finally passed.

The motion to reconsider prevailed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—3.

Holsey.	Terrell of Bowie.
Perkins.	

Absent.

Sturgeon.	Willacy.
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The Chair laid before the Senate, on third reading,

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11. Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and fran-

chises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

Senator Brachfield offered the following amendment:

Amend Section 1, Senate bill No. 6, by striking out the following words in Article 4549, to-wit:

"Unless the purchaser or purchasers, and associates, if any, shall agree to take and hold said property and franchises, charged with and subject to the payment of all subsisting liabilities and claims, for death and for personal injuries sustained in the operation of the railroad, by the company and by any receiver thereof, and for loss of, and damages to property, sustained in the operation of the railroad by the company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs, such agreement to be evidenced by an instrument in writing, signed and acknowledged by said purchaser or purchasers, and associates, if any, and filed in the office of the Secretary of State of the State of Texas"; and by inserting in lieu thereof the following words, to-wit:

"Unless the purchaser or purchasers, and associates, if any, shall agree to take and hold said property and franchises, charged with and subject to the payment of, all subsisting liabilities and claims for death and for personal injuries, sustained in the operation of the railroad by the company, and by any receiver thereof, and for loss of and damage to property sustained in the operation of the railroad by the company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; provided, that all such subsisting claims and liabilities shall have accrued within two years prior to the beginning of the receivership resulting in the sale of said property and franchises, or within two years prior to the sale, if said property and franchises be sold otherwise than under receivership proceedings, unless suit was pending on such claims and liabilities when the receiver was appointed or when the sale was made, in which event claims and liabilities on which suits were so pending shall be protected hereby as though accruing within the two

years: such agreement to be evidenced by an instrument in writing, signed and acknowledged by said purchaser or purchasers, and associates, if any, and filed in the office of the Secretary of State of the State of Texas"; and by striking out the following words in Article 4550, to-wit:

"Provided that, notwithstanding such incorporation, the property and franchises so purchased shall be charged with and subject to the payment of all subsisting liabilities and claims for death and personal injuries sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for loss of and damages to property, sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; and provided, that by such purchase and organization no right shall be acquired in conflict with the present Constitution and laws in any respect." and by inserting in lieu thereof the following words, to-wit:

"Provided, that, notwithstanding such incorporation, the property and franchises so purchased shall be charged with and subject to the payment of all subsisting liabilities and claims for death and personal injuries, sustained in the operation of the railroad, by the sold-out company and by any receiver thereof, and for loss of and damage to property, sustained in the operation of the railroad, by the sold-out company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; provided, that all such subsisting claims and liabilities shall have accrued within two years prior to the beginning of the receivership resulting in the sale of such property and franchises, or within two years prior to the sale, if said property and franchises be sold otherwise than under receivership proceedings, unless suit was pending on such claims and liabilities when the receiver was appointed or when the sale was made, in which event claims and liabilities on which suits were so pending shall be protected hereby as though accruing within the two years; and provided, that by such purchase and organization no right shall be acquired in conflict with the present Constitution and laws, in any respect."

(Senator Weinert in the chair.)

Pending discussion on the above amendment, Senator Mayfield moved

that further consideration of the bill be postponed until tomorrow morning at 10 o'clock.

Senator Watson moved, as a substitute, that further consideration of the bill be postponed until next Thursday at 2 o'clock.

The substitute motion was lost by the following vote:

Yeas—6.

Adams.	Paulus.
Hudspeth.	Senter.
Hume.	Watson.

Nays—21.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Meachum.	

Absent.

Sturgeon.	Willacy.
Terrell of Wise.	

Action recurred on the motion to postpone until tomorrow morning, and the same was lost by the following vote:

Yeas—9.

Adams.	Mayfield.
Cofer.	Real.
Greer.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	

Nays—19.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Harper.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Sturgeon.	Willacy.
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(Lieutenant Governor Davidson in the chair.)

Action recurred on the amendment by Senator Brachfield, and the same was adopted by the following vote (a two-thirds vote being necessary):

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Ratliff.
Bryan.	Real.
Greer.	Senter.
Harper.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Nays—5.

Cofer.	Perkins.
Holsey.	Terrell of Bowie.
Kauffman.	

Present—Not Voting.

Mayfield.

Absent.

Sturgeon.	Willacy.
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REASONS FOR VOTING.

I vote against this amendment because, in my judgment, the amendment will make the bill unconstitutional.

TERRELL of Bowie.

I asked to be marked present and not voting on the amendment sent up by the Senator from Rusk for the reason that it is a very lengthy amendment, covering two pages of typewritten matter, and has not been before the Senate for free and open discussion. This amendment being one of vast importance, I moved that the same be postponed for consideration until the following morning at 10 o'clock, and the same be printed in the Journal, so that in the meantime we could have an opportunity to read the amendment and see what its effect would be; but there seemed to be a disposition on the part of the Senate to rush the amendment through, and, not having read the amendment or had an opportunity to do so, and not knowing what it contains, I am not in position to know what I am voting on, and, therefore, desire to be marked present and not voting.

MAYFIELD.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Bryan.
Brachfield.	Cofer.

Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Kauffman.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Meachum.	Veale.
Murray.	Ward.
Paulus.	Weinert.
Peeler.	

Nays—5.

Adams.	Senter.
Hudspeth.	Watson.
Hume.	

Absent.

Sturgeon.	Willacy.
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Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, During the illness of the late Senator C. C. Stokes, the Senate secured the services of Dr. J. W. McLaughlin, Jr., to attend upon Senator Stokes, and for such services and for his care and comfort at the Seton Infirmary, and indebtedness of fifty-three dollars has been incurred; and

Whereas, Senator Stokes became ill while in the performance of his duty as a member of the Senate, then in session, and it was proper that the Senate should do everything it could to add to his comfort during his last illness, and said obligation is a just and reasonable charge; therefore be it

Resolved by the Senate, That said accounts of Dr. J. W. McLaughlin, Jr., and Seton Infirmary be paid out of the contingent funds of the Senate, and that the officers of the Senate be directed to issue warrants therefor.

TERRELL of Bowie,
COFER,
MEACHUM,
HUDSPETH,
HOLSEY,
WARD,
PEELER,
TERRELL of Wise,
RATLIFF,
HARPER,
MURRAY,
BRACHFIELD.

The resolution was read and adopted.

IN COMMITTEE OF THE WHOLE.

Action recurred on Senate bill No. 10, and on motion of Senator Weinert, the Senate resolved itself into a Committee of the Whole to further consider same.

IN THE SENATE.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston island, across Galveston bay, to connect, as part of the roadways of the county on the island and mainland and the county; to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulations and authority of the Railroad Commission, and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause;' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said

commissioners court under said act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

IN THE COMMITTEE OF THE WHOLE.

Action recurred on Senate bill No. 10, and on motion of Senator Weinert, the Senate resolved itself into a Committee of the Whole to consider the bill.

IN THE SENATE.

(President Pro Tem. Senter presiding.)

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, after their captions had been read, the following bills:

House bill No. 8, "An Act to require persons, firms, corporations, and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

House bill No. 14, "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Perkins, the Senate, at 6 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared Senate Concurrent Resolution No. 2, same being sine die resolution, and find the same correctly engrossed.

WARD, Chairman.

(Floor Report.)

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge, from mainland to Galveston Island, across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancel-

lation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

Have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Paulus, Murray, Perkins, Terrell of McLennan, Peeler, Veale, Senter, Mayfield.

(Majority Report.)

Committee Room,

Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 2:

Be it resolved by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, September 3, 1910.

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass.

PEELER, Chairman.

(Minority Report.)

Committee Room.

Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on State Affairs, to whom was referred Senate Concurrent Resolution No. 2:

Be it resolved by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall adjourn sine die at 12 o'clock noon, Saturday, September 3, 1910.

Have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

PERKINS,
HUME.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, August 31, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofor.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Sturgeon. Willacy.
Terrell of McLennan.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

The Chair called the regular order of business, and there being no business under this head the Chair declared the morning call concluded.

LETTER FROM SENATOR WILLACY.

The Chair had the following letter read to the Senate, and directed same to be printed in the Journal:

Corpus Christi, Tex., Aug. 29, 1910.

My Dear Davidson: I wish to acknowledge receipt of a very generous telegram, signed by yourself and the entire membership of the Senate.

I wish I knew how to tell you just how I appreciate the kindly sentiment interwoven with it.

It tells me that my poor efforts in the public service have not been entirely in vain, for the esteem of my colleagues is of value beyond measure.

I wish to thank you and through you the Senate, of which it is an honor to be a member, for the kindly thoughts of me at this time.

I had hoped to be able to return in a few days, but it now looks as though I may not get back during this session. I am acting upon your collective advice, and shall go to Waukesha or Excelsior Springs. Mrs. Willacy will accompany me, which means that I shall be well

taken care of and soon on my feet again.

With kindest regards and best wishes for all, I am,

Sincerely your friend and theirs,

JOHN G. WILLACY,
Per Mrs. Willacy.

SENATE BILL NO. 4—HOUSE AMENDMENTS CONCURRED IN.

Senator Senter called up

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employees engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to, provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency,'" with the following House amendments:

Strike out the word "and" after the word persons in line 20 of the caption.

Insert the words "constructing or" after the word "in" in line 21 of caption.

Insert the word "trucks" after the word "cars," line 21 of caption.

Strike out the words "not including locomotives," lines 21 and 22 of the caption.

Insert the words "constructing or" after the word "in" in line 24 of the caption.

Insert the word "trucks" after the word "cars" in line 24 of the caption.

Insert the words "constructing or" after the word "in" in line 33, Section 1.

Insert the word "trucks" after the word "cars" in line 34, Section 1.

Strike out the words "not including locomotives" in lines 34 and 35, Section 1.

Strike out the words "except locomotives" in line 40, Section 1.

Senator Senter moved that the Senate concur in the above House amendments.

The motion prevailed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Sturgeon. Willacy.

Senator Senter moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Terrell of McLennan:

Senate bill No. 12, A bill to be entitled "An Act to authorize the working of short-term felony convicts on the public roads by the counties of Texas; defining who are short-term convicts, and providing rules and regulations under which said convicts can be worked."

Read first time, and referred to Committee on State Penitentiaries.

IN COMMITTEE OF THE WHOLE.

Action recurred on Senate bill No. 10, and on motion of Senator Weinert, the Senate resolved itself into a Committee of the Whole, for the purpose of considering this bill.

IN THE SENATE.

(Lieutenant Governor Davidson presiding.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives, Austin, Texas, August 31, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550, of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribing the conditions upon which the purchaser or purchasers and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

House bill No. 12, A bill to be entitled "An Act providing for the payment by the State of Texas each year out of the revenue derived from the penitentiary system to each county where State farms are owned by the State an amount equal to the county taxes which would have been assessed against the land composing said farm for each year if owned by individuals, which amount to be charged as expenses against the farm; providing for the rendition by the penitentiary officials of the land embraced in said farms, limiting the assessment of State property to the lands only and providing for the payment by the State to each county of the amount which would have been due said county for taxes on said farms since the purchase thereof by the State up to and including the year 1910, and declaring an emergency."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

RECESS.

On motion of Senator Kellie, the Senate recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see House message for caption):

House bill No. 12, referred to Finance Committee.

INVITATION TO ATTEND LABOR UNION CELEBRATION.

Senator Peeler offered the following invitation:

Austin, Texas, August 29, 1910.

To the Senate and House of Representatives of the State of Texas:

The Labor Day committee of the union labor organizations of the city of Austin cordially invite your honorable bodies to participate in the celebration of Labor Day to be held in the city of Austin on Monday, September 5, 1910, and to be their guests at the picnic and barbecue to be held at Pease Park, in the city of Austin, on said day.

The parade of the various organizations of union labor will commence at 9 a. m. and the various unions would deem it an especial honor if your honorable bodies would participate in said parade; but if this should not suit your convenience, union labor of the city of Austin would delight in the honor and pleasure of entertaining you as our guests at our picnic and barbecue, which shall continue throughout the day at Pease Park.

Very respectfully,

JOE AMSTEAD,

Vice President, State Federation of Labor.

JULIUS SEAHOLM.

On motion of Senator Alexander, the invitation was accepted.

AT EASE.

Senator Hume moved that the Senate be at ease for fifteen minutes. The yeas and nays were called for, and the motion prevailed by the following vote:

Yeas—13.

Adams.	Peeler.
Alexander.	Perkins.
Harper.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Ward.
Kauffman.	Watson.
Murray.	

Nays—8.

Brachfield.	Ratliff.
Cofer.	Real.
Greer.	Terrell of Bowie.
Holsey.	Weinert.

Absent.

Bryan.	Senter.
Kellie.	Sturgeon.
Mayfield.	Veale.
Meachum.	Willacy.
Paulus.	

IN SESSION.

At 2:55 o'clock the Senate was called to order by Lieutenant Governor Davidson.

IN COMMITTEE OF THE WHOLE.

Action recurred on Senate bill No. 10, and the Senate, on motion of Senator Weinert, resolved itself into a Committee of the Whole to further consider the bill.

IN THE SENATE.

(Lieutenant Governor Davidson in the chair.)

Senator Weinert, acting chairman of the Finance Committee, filed, by unanimous consent, committee reports on House bill No. 12 and Senate bill No. 12. (See Appendix for the reports.)

HOUSE BILL NO. 12.

Senator Hume moved that the pending order of business (Senate bill No. 10) be suspended, and the Senate take up, out of its order, House bill No. 12.

The motion prevailed by the following vote, a two-thirds vote being necessary:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—6.

Cofer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Real.	Veale.

Absent.

Brachfield.	Willacy.
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On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote (four-fifths vote being necessary):

Yeas—22.

Adams.	Meachum.
Alexander.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Ward.
Mayfield.	Watson.
Kellie.	Weinert.

Nays—5.

Cofer.	Terrell of Wise.
Sturgeon.	Veale.
Terrell of Bowie.	

Absent.

Brachfield.	Willacy.
Murray.	

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—4.

Cofer.	Terrell of Bowie.
Sturgeon.	Terrell of Wise.

Absent.

Brachfield.	Willacy.
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On motion of Senator Hume, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 12, A bill to be entitled "An Act providing for the assessment and collection of taxes for county purposes only on lands acquired and owned by the State for the purpose of establishing State farms and employing thereon convict labor on State account, and repealing all laws in conflict herewith, and declaring an emergency."

Senator Terrell of Bowie made the point of order that the bill did not come under the subjects submitted to the Legislature by the Governor.

The Chair (Lieutenant Governor Davidson) overruled the point of order.

Bill read second time, and passed to a third reading.

On motion of Senator Hume, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Nays—5.

Brachfield.	Terrell of Wise.
Cofer.	Veale.
Sturgeon.	

Absent.

Greer.	Willacy.
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The bill was read third time, and passed by the following vote:

Yeas—19.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Weinert.
Meachum.	

Nays—9.

Brachfield.	Harper.
Cofer.	Murray.

Sturgeon. Veale.
Terrell of Bowie. Watson.
Terrell of Wise.

Absent.

Greer. Willacy.

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Hudspeth, the Senate, at 6:05 o'clock, recessed until 8:30 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

Action occurred on Senate bill No. 10, and, on motion of Senator Veale, the Senate resolved itself into a Committee of the Whole to further consider the bill.

IN THE SENATE.

ADJOURNMENT.

At 10:35 o'clock p. m., on motion of Senator Watson, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

REASONS FOR VOTING.

The amendment offered to Senate bill No. 6 on yesterday is proposed avowedly for the purpose of excluding a particular claim which would otherwise be included for payment under the terms of the bill as heretofore passed. The proponents of the amendment have declared this purpose on the floor of the Senate. It glaringly emphasizes the fact that the measure was conceived in the design to single out and favor particular debts relating to a particular transaction. It is shown by the declarations of the authors of this measure that in its origin it takes no cognizance of its probable effect upon the general welfare of the State, but that its sole design is to make provision by law to give preference to certain unsecured

debts over certain secured debts in the administration of the assets of a particular railroad company. The amendment makes plain this purpose, and we therefore vote for it. We believe the bill to be inequitable, unconstitutional and a menace to the prosperity and progress of the State. We therefore vote against it.

(Signed) HUDSPETH,
SENER,
HUME,
WATSON,
ADAMS.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 31, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

House bill No. 12, A bill to be entitled "An Act providing for the assessment and collection of taxes for county purposes only on lands acquired and owned by the State for the purpose of establishing State farms and employing thereon convict labor on State account, and repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and beg to report same back to the Senate with the recommendation that it do pass and be not printed.

Weinert, Acting Chairman; Hume, Peeler, Paulus, Harper, Murray, Holsey, Meachum.

(Floor Report.)

Austin, Texas, August 31, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

Senate bill No. 12, A bill to be entitled "An Act to authorize the working of short term felony convicts on the public roads by the counties of Texas; defining who are short term convicts, and providing rules and regulations under which said convicts can be so worked,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Weinert, Chairman; Terrell of Mc-

Lennan, Hume, Paulus, Watson, Kauffman, Meachum.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, September 1, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Hume. Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

The Chair called the regular order of business, and there being no business under this head, the Chair declared the morning call concluded.

EXCUSED.

For non-attendance on account of important business:

Senator Sturgeon for Monday and Tuesday, on motion of Senator Weinert.

SENATE BILL NO. 10.

The Chair laid before the Senate, as pending business,

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for

the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor, and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act: making an appropriation to carry out the provisions of this act."

The question being on the engrossment of the bill,

Senator Terrell of McLennan moved that the Senate go into a Committee of the Whole for further consideration of the bill.

Senator Hudspeth moved to table the motion, which motion to table prevailed by the following vote:

Yeas—19.

Alexander.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.
Murray.	Weinert.
Paulus.	

Nays—7.

Adams.	Senter.
Brynn.	Terrell of McLennan.
Kellie.	Watson.
Perkins.	

Absent.

Brachfield.	Kauffman.
Hume.	Willacy.

Pending discussion, Senator Meachum then moved that the vote by which the Senate refused to go into a Committee of the Whole be reconsidered.

The motion prevailed.

Senator Hudspeth then moved that the

Senate go into the Committee of the Whole to further consider the bill.

The motion prevailed.

IN THE SENATE.

(Lieutenant Governor Davidson presiding.)

On motion of Senator Meachum, the Senate was at ease for ten minutes.

The Senate was again called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 10—REPORT OF COMMITTEE OF THE WHOLE.

Austin, Texas, September 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee of the Whole on Senate bill No. 10 beg leave to report progress as follows:

The following amendments were adopted:

Amend Section 1, page 1, line 31, by striking out the following word, "and" and inserting "and training" after the word "encouragement" in same line.

TERRELL of Wise.
RATLIFF.

Amend the bill by striking out the word "may" wherever it appears in line 30, Section 1, page 1, of the bill and insert in lieu thereof the word "shall."

VEALE.

Amend the bill by inserting after the word "are," in line 3, Section 2, page 2, of the bill the following words: "or may be."

VEALE.

Amend the bill, line 3, page 2, by inserting between the word "where" and the word "prisoner" the word "State."

MEACHUM.

Amend Section 3, line 8, page 2, by striking out the word "but" and inserting the word "and" at the beginning of said line.

RATLIFF.

The following amendment and substitute to the amendment to Section No. 4 have been considered and were pending when the committee arose:

Amend the bill by striking out Section 4 and substituting the following:

"To better carry out such policy, the management and control of the prison

system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be selected by the Governor, the Chief Justice of the Supreme Court and the presiding Judge of the Court of Criminal Appeals of the State of Texas, whose term of office shall be two years from date of appointment, except those first appointed under this act; who shall hold their offices severally for eight, sixteen and twenty-four months from the date of their appointment and qualification. In the appointment of said commissioners first to be appointed under this act, the appointing board shall designate the term each one shall hold under such appointment; provided, however, that in the event a change in the Constitution extending the term of office of the Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot or in conformance with the provisions of such constitutional amendments without the necessity of further legislative enactment; provided further, that in selecting the members of said Penitentiary Commission said appointing board shall always appoint two members of said commission from the dominant political party, and shall appoint one member of said commission from the political party which at the next preceding general election polled the next greatest number of votes for Governor."

REAL,
ALEXANDER.

Amend the bill, Section 4, line 10, by adding after the word "Governor" the following:

"From out of twelve names, to be agreed upon and submitted to the Governor by the Chief Justice of the Supreme Court of Texas, Presiding Judge of the Court of Criminal Appeals of Texas and the State Treasurer of the State of Texas, whose term shall expire the expiration of the term of office of the Governor who appointed said commission."

Amend further by striking out all of Section 4 after the word "Senate," in line 11 of said section on page 54 of the bill as printed in the Journal of the Senate on August 27, 1910, and by adding at the end of said section as amended the following:

"And each Governor hereafter elected

shall immediately upon being inducted into office, make said appointments as herein provided for, who shall hold their office for the term of two years, unless otherwise provided by law."

WATSON.

The following amendment and amendment to the amendment and substitute for the amendment and amendment to the amendment to Section 15 have been considered, and were pending when the committee arose:

AMENDMENT NO. 7.

Amend the bill by striking out Section 15 and inserting in lieu thereof the following:

The sum of \$200,000, or so much thereof as may be necessary, be appropriated out of the State Treasury, to be used in the erection of such prison houses and improvements upon the lands now owned by the State, and hereafter to be purchased by the Prison Commission for the penitentiaries."

HOLSEY,
WARD.

Amend the amendment offered by the Senator from Navarro by striking out the words and figures "\$200,000" and inserting in lieu thereof the words and figures "five hundred thousand dollars (\$500,000)."

WEINERT.

AMENDMENT NO. 8.

Substitute for the amendment and the amendment to the amendment to Section 15:

"There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of five hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum hereby appropriated shall be under control and at the disposal of the Prison Commission, as provided in this act."

ALEXANDER,
WEINERT,
HUDSPETH.

The committee recommends the adoption of this report, and that the committee be discharged.

SENER, Chairman.

After the above report was read, action recurred on same, and

Senator Weinert moved that that part

of the report which reported adoption of amendments to Sections 1, 2 and 3 of the bill be adopted.

The motion prevailed.

Senator Terrell of Bowie moved that that part of the report which recommended that the Senate consider the pending amendments be adopted.

The motion prevailed.

Senator Weinert moved that the pending amendments be considered in the order in which they come in the report, which motion was adopted.

Senator Weinert then moved that the amendment and substitute for same which were pending to Section 4 be laid on the table, subject to call (see amendment No. 6).

The motion prevailed.

Action then recurred on the amendment to Section 15 of the bill (amendment No. 7 in the report), and the amendment to the amendment and the substitute for both the amendment and the amendment to the amendment.

Senator Weinert, by unanimous consent, withdrew the amendment to the amendment No. 7, and

Senator Holsey, by unanimous consent, withdrew the amendment No. 7, which was an amendment to Section 15 of the bill.

The substitute for the pending amendments become the amendment, which is shown in the above report as amendment No. 8, and action recurred on same.

Senator Ward then offered the following amendment to the amendment:

Amend the amendment to Section 15 by striking out the words "five hundred thousand dollars" and insert in lieu thereof the words "two hundred and fifty thousand dollars."

WARD,
HOLSEY,
TERRELL of Wise,
BRYAN.

(Senator Brachfield in the chair.)

RECESS.

At 12:30 o'clock p. m., on motion of Senator Terrell of Bowie, the Senate recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 10.

Action recurred on Senate bill No. 10, the question being on the amendment by Senator Ward to the amendment by Senator Alexander et al.

Pending discussion, Senator Ward, with the consent of the other signers, withdrew his amendment to the amendment.

Action then recurred on the amendment by Senator Alexander et al., and the same was changed to read as follows:

Amend the bill by striking out Section 15 and inserting the following:

"Section 15. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of five hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum hereby appropriated shall be under control and at the disposal of the Prison Commission, as provided in this act; provided, that not more than \$200,000 of the amount herein appropriated shall be expended prior to February 1, 1911."

ALEXANDER,
WEINERT,
HUDSPETH,
WARD,
HOLSEY,
TERRELL of Wise.

The amendment, as changed, was read and adopted by the following vote:

Yeas—23.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Paulus.	Weinert.
Peeler.	

Nays—4.

Bryan.	Greer.
Cofer.	Sturgeon.

Present—Not Voting.

Murray.

Absent.

Hume.

Willacy.

Senator Weinert then called up the amendment to Section 4 of the bill and the substitute therefor, said amendment and substitute being on the table subject to call. (See amendment No. 6, contained in the report of the Committee of the Whole.)

The amendment and substitute were read, and

Senator Weinert moved to table both the amendment and the substitute.

Senator Watson called for a division of the question.

Pending discussion, the motion to table was withdrawn, and

Senator Watson withdrew the substitute for the pending amendment to Section 4.

Senator Murray offered the following substitute for the pending amendment to Section 4:

Substitute by striking out all after the word "act," in line 26, down to and including the word "provided," in line 31, and insert in lieu thereof the following: "whose term of office shall expire on the 20th of January, 1911."

The substitute was read and adopted by the following vote:

Yeas—18.

Adams.	Peeler.
Brachfield.	Perkins.
Harper.	Senter.
Hudspeth.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—9.

Alexander.	Ratliff.
Bryan.	Real.
Greer.	Sturgeon.
Holsey.	Veale.
Mayfield.	

Absent.

Willacy.

PAIRED.

Senator Cofer (present), who would vote "nay," and Senator Hume (absent), who would vote "yea."

The amendment, as substituted, was then adopted.

Senator Weinert offered the following amendment:

Add at the end of Section 4 the following: "Said Commissioners shall be citizens of this State, and practical business men; two of them shall be members of the dominating political party, and one

of said members shall be a member of the political party casting the next highest vote for Governor at the last general election preceding such appointment."

WEINERT,
REAL,
ALEXANDER,
PAULUS.

Senator Hudspeth moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—20.

Adams.	Perkins.
Brachfield.	Ratliff.
Cofer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.
Peeler.	Watson.

Nays—8.

Alexander.	Murray.
Bryan.	Paulus.
Greer.	Real.
Kauffman.	Weinert.

Absent.

Hume. Willacy.

(Senator Brachfield in the chair.)

Senator Terrell of Bowie offered the following amendment:

Amend the bill by striking out all of Section 58, beginning with the word "prisoners," in line 29, page 24, and insert in lieu thereof the following: "And prisoner or prisoners shall be competent witnesses, and shall be permitted to testify, in any procedure pertaining to such offense, either in making complaint, in examining trials, before the grand jury, or on the final trial thereof; whether such offense be charged to have been committed before this act takes effect or afterwards. And any person who has been convicted of a felony and who has been discharged from the penitentiary, and whose citizenship has not been restored, shall be a competent witness, and shall be permitted to testify either for the State or the defendant in any prosecution against any person who is being prosecuted for any offense against a prisoner; whether such offense be charged to have been committed before the taking effect of this act of since said time."

Pending discussion, Senator Senter offered the following substitute for the above amendment:

Amend the bill, Section 58, lines, 27, 28 and 29, by striking out the words: "provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners shall be permitted to testify," and insert in lieu thereof the following: "In all cases, civil and criminal, a convict, whether serving term in prison or after such imprisonment shall have terminated, shall be a competent witness, and when so testifying, evidence shall be admissible to show that such witness is or was a convict, and the nature of the offense of which he was convicted."

The substitute was read and adopted by the following vote:

Yeas—20.

Adams.	Perkins.
Bryan.	Ratliff.
Greer.	Real.
Harper.	Senter.
Hudspeth.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Nays—8.

Alexander.	Mayfield.
Brachfield.	Meachum.
Cofer.	Sturgeon.
Holsey.	Veale.

Absent.

Hume. Willacy.

The amendment, as substituted, was then adopted by the following vote:

Yeas—20.

Adams.	Perkins.
Bryan.	Ratliff.
Greer.	Real.
Harper.	Senter.
Hudspeth.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Nays—8.

Alexander.	Mayfield.
Brachfield.	Meachum.
Cofer.	Sturgeon.
Holsey.	Veale.

Absent.

Hume.

Willacy.

Senator Sturgeon offered the following amendment, which was read and adopted:

Amend the bill by striking out the following in lines 12 and 13, on page 9, Section 19: "In order to supply any defect in the general laws of this State."

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 39 and insert in lieu thereof the following: "If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission."

Senator Weinert offered the following amendment:

Amend the bill by adding after the words "Prison Commission," Section 10, line 8, the following: "And two members of said Board of Prison Commissioners, to be designated by the Governor, shall constitute the Board of Pardon Advisers, who shall perform such duties as are defined in Article 3582a, Title LXXVI, Revised Civil Statutes of Texas, in connection with their other duties as members of the Prison Commission."

WEINERT,
GREER.

On motion of Senator Terrell of McLennan, the amendment was tabled.

Senator Ward offered the following amendment, which was read and adopted:

Amend Section 34 of the bill by striking out the second word in line 7, page 16, and insert the word "prisoners."

Senator Perkins moved that the Senate adjourn until 9 o'clock tomorrow morning, but the motion was lost.

Action then recurred on Senate bill No. 10, and Senator Weinert offered the following amendment:

Amend the bill, Section 16, line 24, by adding after the word "prisoner" the following: "as far as conditions and the welfare of the prisoner demands."

WEINERT,
GREER.

Senator Paulus offered the following substitute for the amendment:

Amend the bill, page 7, Section 16, lines 24 and 25, by striking out the words

"providing a separate cell or room for each prisoner."

PAULUS,
HARPER.

Senator Hudspeth moved to table the substitute, which motion to table prevailed by the following vote:

Yeas—20.

Adams.
Alexander.
Cofer.
Greer.
Holsey.
Hudspeth.
Kauffman.
Kellie.
Mayfield.
Meachum.Peeler.
Perkins.
Real.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Ward.
Watson.
Weinert.

Nays—8.

Brachfield.
Bryan.
Harper.
Murray.Paulus.
Ratliff.
Senter.
Veale.

Absent.

Hume.

Willacy.

The amendment was then adopted.

Senator Cofer offered the following amendment:

Amend Section 6, page 3, line 22, by striking out the word "three" and inserting in lieu thereof the word "two."

Senator Ratliff offered the following substitute for the amendment:

Amend Section 6, page 3, line 22, by striking out the word "three" and inserting "two hundred and fifty."

RATLIFF,
TERRELL of Wise.

Senator Alexander moved to table the amendment and the substitute, which motion to table prevailed by the following vote:

Yeas—19.

Adams.
Alexander.
Brachfield.
Bryan.
Hudspeth.
Kauffman.
Kellie.
Mayfield.
Murray.
Paulus.Peeler.
Real.
Senter.
Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Weinert.

Nays—9.

Cofer.
Greer.Harper.
Holsey.

Meachum.
Perkins.
Ratliff.

Sturgeon.
Terrell of Wise.

Absent.

Hume.

Willacy.

Senator Watson offered the following amendment:

Amend the bill, page 19, by striking out all of Section 44 and substituting in lieu thereof the following:

"Section 44. Hereafter, life or long-term prisoners who have actually served fifteen years and have no sustained charge of misconduct and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation as if originally sentenced for a term of years, except the Governor shall otherwise direct; provided, however, that all convicts in this State, who had prior to September 1, 1910, been convicted and confined in the penitentiary of this State for a term of fifteen years or more, and are now so confined shall, upon the taking effect of this act, be paroled by the Board of Prison Commissioners, and shall be allowed to go upon parole outside the buildings and jurisdiction of the penitentiary authorities; provided, however, that the provisions of this act shall apply to all convicts, except those convicted for rape or assault to rape, those convicts who have heretofore been convicted of a felony in this State more than twice; and, provided, further, that should any convict paroled under this act be hereafter convicted in the courts of this State of any felony and sentenced to the penitentiary of this State, that said convict shall forfeit all of the rights of said convict as herein provided for, and shall hereafter be treated as an escaped convict, owing service to the State, and shall be liable, when so convicted, to serve out the unexpired period of time of his sentence originally entered against him, and the time from the date of his parole to the date of his subsequent conviction shall not be counted as any part or portion of the time served."

Senator Veale moved to table the amendment.

RECESS.

Senator Terrell of Wise moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Meachum moved, as a substitute, that the Senate recess until 8:15 o'clock today.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow morning was lost by the following vote:

Yeas—10.

Bryan.	Paulus.
Harper.	Peel'r.
Holsey.	Ratliff.
Kellie.	Terrell of Wise.
Murray.	Watson.

Nays—18.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.

Absent.

Hume. Willacy.

The motion to recess until 8:15 p. m. o'clock today was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 10.

Action recurred on Senate bill No. 10, the question being on the motion by Senator Veale to table the pending amendment by Senator Watson.

The motion to table was lost by the following vote:

Yeas—12.

Brachfield.	Ratliff.
Greer.	Real.
Harper.	Sturgeon.
Mayfield.	Veale.
Paulus.	Ward.
Perkins.	Weinert.

Nays—12.

Adams.	Kauffman.
Alexander.	Kellie.
Hudspeth.	Murray.

Peeler. Terrell of McLennan.
Senter. Terrell of Wise.
Terrell of Bowie. Watson.

Absent.

Bryan. Willacy.

PAIRED.

Senator Cofer (present), who would vote "yea," with Senator Hume (absent), who would vote "nay."

Senator Meachum (present), who would vote "nay," with Senator Holsey (absent), who would vote "yea."

The vote being a tie, the Chair (Lieutenant Governor Davidson, presiding) voted "nay," and declared the motion lost.

Action recurred on the amendment, and the same was adopted by the following vote:

Yeas—15.

Adams.	Peeler.
Alexander.	Ratliff.
Greer.	Senter.
Hudspeth.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Meachum.	Watson.
Murray.	

Nays—12.

Brachfield.	Perkins.
Bryan.	Real.
Harper.	Sturgeon.
Holsey.	Veale.
Mayfield.	Ward.
Paulus.	Weinert.

Absent.

Willacy.

PAIRED.

Senator Cofer (present), who would vote "nay," with Senator Hume (absent), who would vote "yea."

Senator Paulus offered the following amendment:

Amend the bill, page 16, line 29, by inserting after the word "prohibited" the following: "except in grade No. 3."

Senator Hudspeth moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—17.

Adams.	Meachum.
Alexander.	Murray.
Holsey.	Peeler.
Hudspeth.	Perkins.
Kauffman.	Ratliff.
Mayfield.	Real.

Senter. Terrell of Wise.
Terrell of Bowie. Weinert.
Terrell of McLennan.

Nays—10.

Brachfield.	Kellie.
Bryan.	Paulus.
Cofer.	Sturgeon.
Greer.	Ward.
Harper.	Watson.

Present—Not Voting.

Veale.

Absent.

Hume.

Willacy.

Senator Weinert offered the following amendment:

Amend the bill by adding at the end of Section 14 the following:

"Provided, however, that the said Prison Commission shall not acquire for the purposes of this act more than ten thousand acres of land in the same county, and in those counties where the State of Texas now owns lands used by the penitentiary system and commonly known as 'State farms' said Prison Commissioners shall not by purchase or lease increase the total acreage of such farms in any such county to an area not exceeding ten thousand acres."

HUME,
KAUFFMAN.

Senator Hudspeth moved to table the amendment, which motion prevailed by the following vote:

Yeas—21.

Adams.	Ratliff.
Brachfield.	Real.
Greer.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	

Nays—6.

Alexander.	Kauffman.
Bryan.	Meachum.
Harper.	Weinert.

Absent.

Willacy.

PAIRED.

Senator Cofer (present), who would vote "yea," with Senator Hume (absent), who would vote "nay."

Senator Weinert offered the following amendment:

Amend the bill by adding at the end of Section 53 the following:

"Provided, however, that no convict who is confined on any farm or camp, now owned by the State of Texas, or hereafter acquired for the purpose of this act, or on any farm or camp under contract with the owner or lessee of such farm or camp at the time he is entitled to discharge, shall be discharged in the county where such farm or camp is situated, unless he was sentenced in such county, but all such convicts shall be discharged in such other county as he may select."

HUME,
KAUFFMAN,
MEACHUM.

(Senator Veale in the chair.)

Senator Hudspeth moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—16.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Kellie.	Terrell of Bowie.
Mayfield.	Ward.
Murray.	Watson.

Nays—7.

Bryan.	Ratliff.
Harper.	Terrell of McLennan.
Kauffman.	Veale.
Meachum.	

Absent.

Greer.	Weinert.
Perkins.	Willacy.
Terrell of Wise.	

PAIRED.

Senator Cofer (present), who would vote "yea," with Senator Hume (absent), who would vote "nay."

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 11, "An Act to amend

an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston island across Galveston bay, to connect, as part of the roadway of the county on the island and mainland, and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax-paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

Senate bill No. 6, "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

Senate bill No. 2, "An Act appropriating the sum of seven thousand dollars, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of

the Thirty-first Legislature of Texas, and declaring an emergency."

Senate bill No. 4, "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties, and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

House bill No. 12, "An Act providing for the assessment and collection of taxes for county purposes only on lands acquired and owned by the State for the purpose of establishing State farms and employing thereon convict labor on State account, and repealing all laws in conflict herewith, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 10 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, September 1, 1910.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 11, "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge, from mainland to Galveston Island, across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and pro-

viding for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, providing that a majority of the qualified property tax-paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds, and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 3:07 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, September 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 2, and find it correctly enrolled, and have this day, at 3:07 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act appropriating the sum of seven thousand dollars, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency.

Be it enacted by the Thirty-first Legislature of Texas:

Section 1. That the sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any public moneys not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-first Legislature of Texas, and that the approval of the chairman of the Committee on Contingent Expenses of either house, and countersigned by the President of the Senate, or the Speaker of the House of Representatives, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account so drawn against said fund.

Sec. 2. The fact that there is no appropriation available for the payment of the contingent expenses of the Fourth Called Session of the Thirty-first Legislature of Texas, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, September 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 6, and find it correctly enrolled, and have this day, at 11:52 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 4549 and 4550 of Chapter 11, Title 94 of the Revised Statutes of the

State of Texas be so amended as to hereafter read as follows:

Article 4549. In case of the sale of the property and franchises of a railroad company, whether by virtue of an execution, order of sale, deed of trust, or any other power, or by a receiver acting under judgments, heretofore or to be hereafter rendered by any court of competent jurisdiction, the purchaser or purchasers at such sale, and associates, if any, shall acquire full title to such property and franchises, with full power to maintain and operate the railroad and other property incident to it, under the restrictions imposed by law; provided, however, that said purchaser or purchasers, and associates, if any, shall not be deemed and taken to be the owners of the charter of the railroad company and corporations under the same, nor vested with the powers, rights, privileges and benefits of such charter ownership, as if they were the original corporators of said company, unless the purchaser or purchasers, and associates, if any, shall agree to take and hold said property and franchises, charged with, and subject to the payment of, all subsisting liabilities and claims, for death and for personal injuries sustained in the operation of the railroad, by the company and by any receiver thereof, and for loss of, and damage to property, sustained in the operation of the railroad by the company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; provided, that all such subsisting claims and liabilities shall have accrued within two years prior to the beginning of the receivership resulting in the sale of said property and franchises, or within two years prior to the sale, if said property and franchises be sold otherwise than under receivership proceedings, unless suit was pending on such claims and liabilities when the receiver was appointed or when the sale was made, in which event claims and liabilities on which suits were so pending shall be protected hereby as though accruing within the two years; such agreement to be evidenced by an instrument in writing, signed and acknowledged by said purchaser or purchasers, and associates, if any, and filed in the office of the Secretary of State of the State of Texas; and, provided further, that such charter, together with the powers, rights, privileges and benefits thereof shall pass to said purchaser or purchasers, and associates, if any, subject to

the terms, provisions, restrictions and limitations imposed and to be imposed by law; and, provided further, that the amount of stock and bonds which may be held against said property and franchises, after the sale thereof, as well as the manner of issuance of such stock and bonds shall be fixed, determined and regulated by the Railroad Commission of Texas, at its discretion, save that the total encumbrance secured by lien on said property and franchises shall not exceed the amount allowed by Article 4584b of the Revised Statutes of Texas of 1895.

Article 4550. In case of any sale heretofore or hereafter made of the property and franchises of a railroad company, within this State, the purchaser or purchasers thereof, and associates, if any, shall be entitled to form a corporation, under Chapter 1 of Title 94 of the Revised Statutes of Texas for the purpose of acquiring, owning, maintaining and operating the road so purchased, as if such road were the road intended to be constructed by the corporation, and when such charter has been filed the new corporation shall have the powers and privileges then conferred by the laws of this State upon chartered railroads, including the power to construct and extend; provided that, notwithstanding such incorporation, the property and franchises so purchased shall be charged with and subject to the payment of all subsisting liabilities and claims, for death and personal injuries sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for loss of and damage to property, sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; provided, that all such subsisting claims and liabilities shall have accrued within two years prior to the beginning of the receivership resulting in the sale of such property and franchises, or within two years prior to the sale if said property and franchises be sold otherwise than under receivership proceedings, unless suit was pending on such claims and liabilities when the receiver was appointed or when the sale was made, in which event claims and liabilities on which suits were so pending shall be protected hereby as though accruing within the two years; and provided that, by such purchase and organization, no right shall be acquired in conflict with the present

Constitution and laws, in any respect, nor shall the main track of any railroad once constructed and operated be abandoned or removed; and, provided further, that the amount of stock and bonds which may be issued by said new corporation, as well as the manner of their issuance, shall be fixed, determined and regulated by the Railroad Commission of Texas, at its discretion, save that the total encumbrance secured by lien on said property and franchises shall not exceed the amount allowed by Article 4584b of the Revised Statutes of Texas of 1895.

Sec. 2. That this act shall not be construed to in anywise repeal or impair the provisions of Chapter 14, Title 94 of the Revised Statutes of the State of Texas, except in so far as the same may be changed by the provisions of this act.

Sec. 3. Whereas, there is no provision in the laws of this State for any return from purchasers of railroad properties for valuable privileges and no adequate regulation of stocks and bonds against sold-out railroad properties, there exists an imperative public necessity and emergency for the suspension of the rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is hereby so enacted.

Committee Room,

Austin, Texas, September 1, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 4, and find it correctly enrolled, and have this day, at 5:10 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to require persons, corporations, or receivers, engaged in constructing or repairing railroad cars, trucks or other railroad equipment to erect and maintain buildings or sheds for the protection from rain, wind or other inclement weather employees engaged in constructing or repairing railroad cars, trucks and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties, and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled

"An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies," and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, corporation or receiver engaged in constructing or repairing railroad cars, trucks or other railroad equipment shall erect and maintain a building or shed at every station or other point where as many as five men are regularly employed on such repair work, the building or shed to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad equipment, shall be sheltered from rain and protected from other inclement weather.

The provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

Sec. 2. Any person, corporation or receiver who shall violate the provisions of this act shall be liable to the State of Texas for a penalty in any sum not less than \$50 nor more than \$100, and each ten days of such failure or refusal to comply with the provisions of this act shall be considered a separate infraction authorizing the recovery of a separate penalty.

Suit for recovery of penalties hereunder shall be brought by the Attorney General of this State or by the county or district attorney of the county in which suit is brought, and the county or district attorney, as the case may be, shall receive a fee of ten per cent (10%) upon each penalty recovered and collected by him in addition to the fee allowed him by law at this time, and said fee shall be over and above the fee allowed him by law at this time, and said fee shall be over and above the fees allowed under the general fee act in force in this State.

Sec. 3. That Chapter 53 of the Acts of the Regular Session of the Thirty-first Legislature, entitled "An Act to require all railroad companies doing business in this State to provide suit-

able premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies," be and the same is hereby repealed; that this act shall take effect ninety days after the adjournment of this Special Session; but that all persons, corporations or receivers affected by this act shall have until June 1, 1911, within which to comply with the provisions thereof.

Sec. 4. The importance of the legislation proposed in this bill and the probable early adjournment of the present session of the Legislature, rendering it improbable that this bill can be read on three several days in each house, creates an emergency and an imperative public necessity exists requiring the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and it is so enacted.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, September 2, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

SIMPLE RESOLUTION.

By Senator Terrell of McLennan:

Whereas, The Second Called Session of the Thirty-first Legislature passed an act providing for the completion of the State Railroad from Rusk to Palestine, authorizing the Penitentiary Board to issue bonds in the sum of \$200,000, said bonds to be purchased by the State Board of Education out of the permanent school fund of this State; and

Whereas, Said act made it the duty of the Penitentiary Board to make an effort to sell said road upon its completion into the city of Palestine as shown by the following language contained in Section 4 of the bill, to wit:

"When said railroad shall be completed to the town of Palestine it shall be the duty of the Penitentiary Board to endeavor to make a sale of the same whenever said sale can be made without detriment to the interest of the State and the several industries operated as a part of the penitentiary system. Said board shall be authorized, at its discretion, to make application to the Railroad Commission of the State of Texas to value said railroad property; together with all of its equipments, rolling stock, right of way, depot buildings and all appurtenances of whatsoever kind and character, and in no event shall said road be sold for less than such valuation fixed upon the same by said Railroad Commission"; and

Whereas, From newspaper reports we are advised that said road was completed about August the 15th, 1909; therefore be it

Resolved by the Senate of Texas, That the Penitentiary Board be requested to notify this body whether or not any effort has been made toward carrying out this provision of the law, which makes it their duty to sell this road upon completion, and whether or not any request has ever been made upon the Railroad Commission to have this property valued by said Commission, and if so report all the facts.

TERRELL, of McLennan,
SENTER.

The resolution was read, and Senator Holsey moved that it be laid on the table, subject to call.

The motion to table was lost by the following vote, the yeas and nays being called for:

Yeas—13.

Alexander.	Meachum.
Brachfield.	Sturgeon.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Greer.	Veale.
Holsey.	Ward.
Mayfield.	

Nays—15.

Adams.	Peeler.
Harper.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Ratliff.

Willacy.

Senator Sturgeon offered the following amendment, which was read and adopted:

Amend the resolution by striking out the words "at once" and insert in lieu thereof, "shall report to the Legislature at its Regular Session in January, 1911."

The resolution was then adopted as it was amended.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, It has been the time-honored custom of the Democratic party to allow and permit each Governor of this State to make all appointments under his administration; and

Whereas, The Governor of this State is, in the mind of the public, held responsible for the success or failure of each department of the government, and the present Governor and all his predecessors have been allowed and permitted to name all appointive officers serving during their term of office;

It is, therefore, the sense of this Senate that the Free Conference Committee on the part of the Senate be instructed to stand for this principle of government, and permit the present Governor to exercise the appointive power without restriction during his term of office, and the law be so framed as to allow the incoming Governor to make all appointments authorized when he shall be inducted into office for which his administration will be held responsible by the people of Texas.

The above was read and Senator Alexander offered the following substitute:

Whereas, The members of the present

insurance board under the existing law would hold their positions until September 20, 1911, and no appointment could be made until that date; therefore, be it

Resolved, That the Senate Free Conference Committee be instructed to agree to a provision in the pending bill whereby the terms of office of the new commissioners shall expire on September 20, 1911, as under the present law.

Pending discussion, Senator Kellie moved to table the substitute, which motion to table prevailed by the following vote:

Yeas—15.

Adams.	Peeler.
Harper.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan
Kellie.	Ward.
Meachum.	Watson.
Murray.	

Nays—11.

Alexander.	Ratliff.
Bryan.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Mayfield.	Veale.
Paulus.	

PAIRED.

Senator Brachfield (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Senator Weinert (present), who would vote "yea," with Senator Cofer (absent), who would vote "nay."

Action then recurred on the resolution, and the same was adopted by the following vote:

Yeas—16.

Adams.	Peeler.
Harper.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Nays—12.

Alexander.	Paulus.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Mayfield.	Veale.

PAIRED.

Senator Brachfield (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Morning call concluded.

SENATE BILL NO. 10.

Action recurred on Senate bill No. 10, the penitentiary bill, which was pending business.

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill by striking out after the words "Prison Commission," in lines 23 and 24, Section 9, the following: "who shall be a competent, practical accountant."

WEINERT,
GREER,
ALEXANDER.

Senator Ratliff offered the following amendment, which was read and adopted:

Amend Section 20, page 10, lines 6 and 7, by striking out the words "or some person designated by the Prison Commission" between the words "Commission," in line 6, and the words "to spend," in line 7.

RATLIFF.
TERRELL of Wise,
MURRAY.

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend by striking out the word "willfully," in line 1, page 25, and insert "knowingly."

TERRELL of Wise,
RATLIFF.

Senator Veale offered the following amendment, which was read and adopted:

Amend the bill by eliminating the period appearing after the word "Huntsville," in line 22, on page 10. Section 20 of the bill, and insert the following: "by the sheriffs of such respective counties if such sheriffs are willing to perform such services as cheaply as said Commission can have it done otherwise."

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 62 and insert in lieu thereof the following section:

"Sec. 62. The Prison Commission by, and with the consent of the Governor, shall have the power to work convicts on public works, when they can not employ them on the State farms or in the walls by reason of some unforeseen calamity, such as a failure of crops, or the destruction of crops by wind or

flood. When convicts are worked on public works owned by the State or a subdivision of the State, the humane provision of this act shall be strictly complied with."

Senator Veale offered the following amendment, which was read and adopted:

Amend the bill by striking out the period after the word "report." in line 8, Section 22, page 11, and insert a semicolon and add the following: "such report to include the rules and regulations in force for the management of said system and the methods of dealing with the convicts thereof."

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by striking out in lines 19 and 20, page 1 of the caption, the following words: "To authorize the prison system to borrow money from the permanent school fund."

RECESS.

On motion of Senator Ratliff, the Senate, at 12:30 o'clock p. m., recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

RESIGNATION OF DOORKEEPER.

Austin, Texas, September 2, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: An important business engagement, requiring my immediate presence in Houston, necessitates me in hereby tendering my resignation as Doorkeeper to your Honorable Body, said resignation to take effect from date hereof.

Very respectfully,

J. R. WATIES.

On motion of Senator Terrell of Bowie, the resignation was accepted.

SENATE BILL NO. 10.

Action recurred on Senate bill No. 10, which was the pending business when the Senate recessed.

Senator Alexander offered the follow-

ing amendment, which was read and adopted:

Amend the bill by striking out Section 64 and inserting the following:

"Section 64. The fact that there is urgent demand for a general revision of the laws governing the penitentiaries of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted."

Senator Watson offered the following amendment:

Amend Section 15 of the bill as amended by adding to said amended section at the end thereof the following: "And the remaining three hundred thousand dollars shall not be expended until after said date, nor shall the Board of Prison Commissioners holding office prior to February 1, 1911, incur any obligations to be paid out of said sum of three hundred thousand dollars."

WATSON,

TERRELL of Wise.

The amendment was read, and adopted by the following vote:

Yeas—20.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Ratliff.
Bryan.	Real.
Harper.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—3.

Cofer.	Holsey.
Greer.	

Absent.

Paulus.	Terrell of McLennan.
Perkins.	Veale.
Hume.	Willacy.
Senter.	

Senator Watson offered the following amendment:

Amend the bill, Section 29, by striking out all of said section after the word "by" in line 29 and insert in lieu thereof the following: "The Governor of the State of Texas, and upon notification of the Governor of the State of Texas in writing delivered to said Commissioners in person the said office shall immediately become vacant, and the

Governor is authorized and directed to make additional appointment or appointments to fill said vacancy or vacancies as is herein provided for."

(Senator Harper in the chair.)

Senator Alexander offered the following substitute for the above amendment:

Strike out all of said Section 29 after the word "office" in line 29 and insert the following: "As provided by Article 3528, Revised Statutes of 1895."

Action recurred on the substitute for the amendment, and the same was adopted by the following vote:

Yeas—17.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Harper.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Meachum.	Watson.
Murray.	

Nays—10.

Cofer.	Perkins.
Greer.	Ratliff.
Holsey.	Sturgeon.
Hudspeth.	Veale.
Mayfield.	Weinert.

Absent.

Hume.	Willacy.
Terrell of Bowie.	

(Lieutenant Governor Davidson in the chair.)

Action recurred on the amendment as substituted, and the same was adopted by the following vote:

Yeas—14.

Adams.	Paulus.
Alexander.	Peeler.
Harper.	Real.
Kauffman.	Senter.
Kellie.	Terrell of McLennan.
Meachum.	Ward.
Murray.	Watson.

Nays—12.

Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Mayfield.	Weinert.

Absent.

Hume.	Terrell of Bowie.
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PAIRED.

Senator Brachfield (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "act" in line 25 in caption on page 1 the following words, "and declaring an emergency."

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend by inserting after Section 57, page 24, the following:

"Sec. 57a. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall purchase any supplies or any property for the prison system, or shall make any contract for furnishing supplies or property for the prison system, or shall sell any State property to, or shall make any other kind of a contract for said prison system with any person who is related to said officer, agent or employe by affinity within the second degree or by consanguinity within the third degree shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense."

Senator Cofer offered the following amendment:

Amend Section 17, page 8, line 4, by striking out the words "sell or," and amend line 6, same page, by striking out the word "sale" and insert in lieu thereof the word "lease," and amend line 7, same page, by striking out the word "conveyances" and insert the word "instruments," and amend line 10, same page, by striking out the first two words of said line, "or sale," and insert in lieu thereof the words "or lease."

Senator Alexander moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—17.

Adams.	Perkins.
Alexander.	Ratliff.
Holsey.	Real.
Hudspeth.	Senter.
Kauffman.	Terrell of Bowie.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Nays—10.

Brachfield.	Mayfield.
Bryan.	Sturgeon.
Cofer.	Terrell of McLennan.
Greer.	Terrell of Wise.
Harper.	Veale.

Present—Not Voting.

Kellie.

Absent.

Hume.

Willacy.

Senator Bryan offered the following amendment:

Add to Section 14, page 6: "Provided nothing in this act shall permit the said Prison Commission to work said convicts in the growing or cultivation of cotton upon land owned or hereafter purchased, nor shall any of said appropriation here made be used for said purpose."

BRYAN,
HOLSEY.

Senator Watson moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—22.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—7.

Bryan.	Meachum.
Harper.	Terrell of McLennan.
Holsey.	Veale.
Mayfield.	

Absent.

Willacy.

Senator Terrell of McLennan offered the following amendment:

Amend Section 3 by adding thereto the following: "Provided, that nothing in this act shall be construed to prevent the working of short-time convicts upon the public roads in this State as may hereafter be provided by law."

On motion of Senator Watson, the amendment was tabled.

Senator Brachfield offered the following amendment:

Amend Section 6 by striking out all after the word "accounts," in line 30,

page 3, printed bill, and add the following: "The city of Huntsville, in Walker county, Texas, shall be designated as the headquarters of the prison system, but the members of said Commission may reside at such places as may be deemed to the best interests of the institution, provided, that such residence shall be at one of the institutions or on one of the farms owned and operated by the State; and provided further that the Commissioners shall be permitted to occupy residence house belonging to the State at any such places."

Senators Meachum and Paulus moved to table the amendment, which motion to table prevailed.

Senator Ratliff offered the following amendment, which was adopted:

Amend Section 6, line 26, page 3, by inserting the words "together with said salary" between the words "paid" and "out."

RATLIFF,

TERRELL of Wise.

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend by inserting in line 17, page 20, Section 46, the following: "And in case of such extreme and unavoidable emergency said prisoner shall receive out of the funds of the prison system the sum of 10 cents per hour for such work so performed more than ten hours per day."

Senator Cofer offered the following amendment:

Amend Section 5, line 7, page 3, by striking out the word "seventy" and inserting in lieu thereof the word "twenty-five."

The amendment was read and lost.

Senator Harper offered the following amendment:

Amend the bill, page 14, Section 30, line 6, by striking out the word "thirty-five" and insert in lieu thereof the word "thirty."

Senator Meachum moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—18.

Adams.	Peeler.
Alexander.	Ratliff.
Bryan.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Ward.
Meachum.	Watson.
Paulus.	Weinert.

Nays—10.

Brachfield.	Murray.
Cofer.	Perkins.
Greer.	Sturgeon.
Harper.	Terrell of Wise.
Kauffman.	Veale.

Absent.

Hume.	Willacy.
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Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill by striking out Section 60.

Senator Hudspeth moved the previous question on the engrossment of the bill, which motion, being duly seconded, was so ordered.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—21.

Adams.	Perkins.
Alexander.	Ratliff.
Greer.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Nays—8.

Brachfield.	Hume.
Bryan.	Kauffman.
Cofer.	Sturgeon.
Harper.	Veale.

Absent.

Willacy.

REASONS FOR VOTING.

We vote "no" on this bill because it has been amended so as to permit all felons to testify in all cases, both civil and criminal. This should be permitted in all cases where offenses have been committed on prisoners and no further. An amendment has also been adopted allowing all convicts who have served fifteen years and have a good prison record may be released on their parole, except in certain cases, thereby repealing many provisions of our criminal statutes.

We are in favor of prison reform, and we are of the opinion that these reforms should be made, but we do not want to be placed on record to make a summer

resort out of our penitentiaries or to vote to destroy all the penalty provisions of our criminal statutes.

There are other reasons why this bill as amended should not become a law, but we deem these sufficient for this record.

**BRACHFIELD.
STURGEON.**

We voted for the engrossment and final passage of the penitentiary bill because we believe that the penitentiary system should be reformed and that the abuses now in existence should be done away with. There are a number of amendments which have been adopted, which we are opposed to and which we think are very dangerous and should not have been adopted, but we voted for the passage of this penitentiary bill, feeling sure that the House of Representatives would eliminate some of the objectionable amendments which have been adopted and with the hope that a Free Conference Committee would get together and adopt a bill that should be adopted, with the elimination of the objectionable amendments. We could not afford to vote "no" and thus by our vote assist in destroying the hope of all penitentiary reform.

**MAYFIELD.
HOLSEY.**

I vote "no" on the engrossment and final passage of the penitentiary bill, because it has been loaded down with so many dangerous amendments as in my judgment more than offset any benefits from the proposed legislation. Chief among my objections is the amendment which makes convicts competent witnesses in civil and criminal cases, and thus wipes out the rule of evidence, as old as the centuries, forbidding felons from giving evidence. I can not consent to so sweeping a change in the administration of public justice. While I favor the just and humane treatment of convicts, yet it is carrying the sentiment entirely too far when so radical a suggestion is made as that of making competent witnesses of the convicted and unpardoned criminals and felons of the State without restriction. The spectacle of the notary public invading the walls of the penitentiary or the convict farms armed with commissions to take depositions of criminals would be most unseemly, and even more so would be that of the convicted murderer, thief or even perjurer called back to the witness

stands in our courthouses to testify in the causes of honest people.

I also object to the so-called parole amendment, because it practically abolishes life imprisonment terms for even desperate prisoners.

It is a maudlin sentiment which proposes to make it almost as honorable to be in the penitentiary as out of it.

COFER.

I vote "yea" on the passage to engrossment of Senate bill No. 10, known as the penitentiary reform bill, not because I endorse all the provisions of the bill, but because it is the best bill, in my opinion, that can be enacted by this Legislature.

The conditions found to exist on the contract and share farms of the State, as reported by the Investigating Committee, are of such a shocking nature as to cause every humane man in Texas to hang his head in shame and justifies the Legislature in the expenditure of a large sum of money to bring about reform in the care and treatment of our unfortunate criminals, and it is this reason alone that governs my vote upon this question.

With the policy of the bill, as outlined in Section 3, "to work all prisoners within the walls, and upon farms owned by the State," I am compelled to dissent. Under this bill the State is committed to a policy of farming, the raising of corn and cotton, in competition with the farmers of the State, which, in my opinion, should never be done. The State now has 26,000 acres of sugar land in the Brazos bottom, which is sufficient for all purposes. In my opinion, provisions should be made for working a large number of short-term men upon the public roads of the State, and others might be profitably employed within the walls in the manufacture of articles controlled wholly or in part by trusts.

Knowing, however, that it is impossible to incorporate such ideas in this bill, and with the hope of bringing about more humane treatment of these poor unfortunate criminals, I shall support this bill.

TERRELL of McLennan.

I vote "no" on the engrossment and final passage of Senate bill No. 10, and assign for such vote the following reasons, among others:

1. I can not subscribe to that section of the bill allowing convicts in the penitentiary to testify in the courts of

the country without any qualification whatever. Hundreds of them are there now for the crime of perjury, and the effect of this bill is to again allow them to testify in the same case.

2. While I am in hearty sympathy with the "parole" features of this bill and similar legislation, I can not consent to a law compelling the prison authorities to parole (practically turn loose prisoners serving a long term or life sentence), because they have had good records.

VEALE.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—2.

Brachfield.	Cofor.
Willacy.	Absent.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Peeler.
Alexander.	Perkins.
Greer.	Ratliff.
Holsey.	Real.
Hudspeth.	Senter.
Kauffman.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—7.

Brachfield.	Hume.
Bryan.	Sturgeon.
Cofor.	Veale.
Harper.	

Absent.

Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 10—TO BE PRINTED IN JOURNAL.

Senator Senter moved that Senate bill No. 10 be printed in the Journal at as early a date as possible. (See Journal at later date for bill as passed Senate.)

The motion prevailed.

HOUSE BILL NO. 9.

The Chair laid before the Senate, on second reading,

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to

the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading, and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

There being a favorable committee report with an amendment, Senator Cofer moved to adopt the committee report.

REFUSE TO ADJOURN.

Senator Hume moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—4.

Hume.
Kellie.

Paulus.
Watson.

Nays—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Kauffman.
Mayfield.
Meachum.
Murray.

Peeler.
Perkins.
Ratliff.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Veale.
Ward.
Weinert.

Absent.

Willacy.

HOUSE BILL NO. 9.

Action recurred on House bill No. 9, the question being on Senator Cofer's motion to adopt the committee report.

The motion to adopt the committee report prevailed by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.
Murray.	Weinert.

Nays—3.

Hume.	Watson.
Kellie.	

Absent.

Willacy.

Senator Cofer offered the following amendment:

Amend the pending House bill No. 9, by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. That Title XIV of the Revised Statutes of the State of Texas, 1895, be amended so as to add another chapter to said title to be known as Chapter 4, which shall include Articles 331c, 331d, 331e and 331f, and to read as follows:

"CHAPTER 4.

"Negotiable and Non-Negotiable Bills of Lading and How They May Be Authenticated.

"Article 331c, Section 1. It shall be the duty of the local freight agent or ship agent of every carrier in this State to issue to a shipper either a negotiable or non-negotiable bill of lading, as the shipper may request.

"Sec. 2. A bill of lading in which it is stated that the goods are consigned or destined to a specific person, is a 'non-negotiable' or 'straight' bill of lading, and all such bills of lading shall have printed across the face thereof in large letters the words, 'non-negotiable.'

"Sec. 3. A bill of lading in which it is stated that the goods are consigned to the order of any person named in such bill of lading, is a negotiable bill of lading, or 'order' bill of lading, and shall have printed across the face thereof in large letters, the words 'negotiable' and such bill of lading shall be and the same is hereby made negotiable by written endorsement thereon, and de-

livery in the same manner as bills of exchange or promissory notes. Such bills of lading shall not have placed thereon the words 'non-negotiable' or words of similar import, and no printed or written conditions, clauses or provisions inserted in or attached to any such bill of lading shall in any way limit the negotiability or affect the negotiation thereof, nor in any manner impair the rights and duties of all parties thereto, or persons interested therein, and if such conditions, clause or provisions, purporting to limit or affect the rights or liabilities created and declared by this act, shall be inserted in such bill of lading, same shall be void and of no effect. Provided that no legal subsisting and unsatisfied lien existing on, against or upon any property embraced or covered by negotiable bills of lading at the time such negotiable bill of lading is issued, shall be affected by the issuance of such negotiable bill of lading.

"Sec. 4. Negotiable bills of lading shall not be issued in parts or sets. If so issued the carrier issuing them shall be liable for failure to deliver the goods described therein to any one who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

"Sec. 5. When more than one negotiable bill is issued, the word 'duplicate' or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damages caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

"Article 331d, Section 1. It shall be the duty of the local freight agent or ship agent of every carrier in this State, coming within the provisions of this act, if requested by the shipper, when issuing a bill of lading to sign such bill of lading and make affidavit thereto before some officer duly authorized to administer oaths under the laws of this State, the form of which affidavit shall be substantially as follows:

"State of Texas,
County of

Before me, the undersigned authority, on this day personally appeared....., known to me to be the person whose

name is subscribed to the foregoing instrument, and who by me being duly sworn upon oath depose and says:

That he is the duly authorized agent of..... and that acting in such capacity he signed this bill of lading and that the matters and things therein stated are true and correct.

.....
Agent for.....

Sworn to and subscribed before me at.....this..day of....., A. D.,....

.....in and for.....County, Texas.

"Said affidavit shall be subscribed and sworn to by the agent making same before the officer taking such an affidavit, and such officer shall certify thereto under his hand and official seal, giving the date and place of such affidavit, which said affidavit shall be written or printed at the bottom of or on the reverse side of the bill of lading, and the officer taking such affidavit shall keep a record of same, which shall show the name of the carrier issuing such bill of lading, the number of same, the name of the agent signing same, the name of the shipper and the consignee, the date of such bill of lading and a brief description of the goods shipped, which record shall be open to inspection and shall be preserved as required by law for notary public records. The officer taking such affidavit shall be entitled to a fee of twenty-five cents for each affidavit which shall be paid by the shipper.

"Article 33le. All carriers referred to in this act, issuing bills of lading, as herein provided, shall be responsible to the consignee named in a straight bill of lading and to the holder of an order or negotiable bill of lading, who has given value in good faith therefor, relying upon the description of the property, whether or not such property was received by the carrier or its agent at the time of the issuance of such bill of lading, and whether or not the goods received by the carrier or its agent were correctly described in the said bill of lading; and the carrier shall be estopped to deny the receipt of the goods or to vary the description of the goods, as contained in said bill of lading. If, however, the goods are described in a bill merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that the packages are said to contain goods

of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statement, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or the kind or quantity or in the condition they were said to be by the consignor.

"Article 33lf, Section 1. Any officer, agent or servant of a carrier who shall knowingly issue or aid in issuing, or who shall knowingly allow a bill of lading to issue when any part of the goods for which said bill of lading is issued, have not been received by such carrier or by an agent of such carrier, or by a connecting carrier, or are not under the carrier's control at the time of the issuance of such bill of lading, shall be guilty of a misdemeanor and upon conviction shall be punished for such offense by a fine of not exceeding five thousand dollars (\$5000) or by imprisonment in the county jail for a term of not exceeding two years, or by both such fine and imprisonment.

"Section 2. Any person who negotiates or transfers for value a bill of lading knowing that any or all of the goods which by the terms of such bill of lading appear to have been received for transportation by the carrier which issued the bills of lading, are not in the physical possession and control of the carrier, or the connecting carrier, without disclosing this fact shall be guilty of a felony, and upon conviction of such an offense shall be punished by confinement in the State penitentiary for a term of not exceeding five years.

"Section 3. Any person who secures the issuance of a bill of lading knowing that at the time of such issuance any or all of the goods described in such bill of lading, as received for transportation, have not been received by such carrier, or are not in the physical possession and control of such carrier, by inducing an officer, agent or servant of such carrier, to falsely believe that such goods have been received by such carrier, or are under its control, shall be guilty of a felony, and upon conviction shall be punished for such offense by confinement in the State penitentiary for a term not exceeding five years.

"Sec. 2. The fact that the shipping season is near at hand and that there is a universal demand that the commercial community be furnished with

staple documents and particularly with reference to bills of lading in the movement of this year's cotton crop creates an emergency and an imperative public necessity, authorizing the suspension of the constitutional rule requiring that bills be read on three several days and that this act take effect and be in force from and after its passage, and it is so enacted; provided, however, that the carriers and other persons affected by the provisions of this act shall have until the 15th day of October, A. D. 1910, in which to prepare and begin operations hereunder before the penalty provided for by this act shall be assessed against them or any of them."

COFER,
MAYFIELD.

Pending.

Pending the reading of the above amendment, on motion of Senator Watson the same was dispensed with, and that the bill be made a special order for tomorrow morning.

Senator Cofer then asked to have the following proposed amendment printed in the Journal:

Amend the pending House bill No. 9 by striking out all after the words "To be entitled" and before the enacting clause and insert in lieu thereof the following: "An Act to be entitled an act to amend Title 14 of the Revised Statutes of the State of Texas, 1895, so as to add another chapter to said title to be known as Chapter 4, which shall include Articles 331c, 331d, 331e and 331f, defining negotiable and non-negotiable bills of lading and their essential terms, the rights and liabilities of the parties thereto, providing for the authentication of bills of lading, defining crimes and offenses in connection with the issuing of bills of lading, fixing penalties and punishments for such offenses, and declaring an emergency."

COFER,
MAYFIELD.

DOORKEEPER—ELECTION OF.

Senator Meachum here moved that the Senate proceed to the election of a Doorkeeper to succeed Mr. J. R. Waties, resigned.

The motion prevailed.

Senator Meachum placed in nomination for Doorkeeper, Mr. W. T. Neblett, Jr., of Grimes county.

There were no other nominations.

Senators Terrell of Wise, Ratliff and Mayfield were appointed as tellers.

Mr. Neblett received 27 votes, and the Chair declared him duly and constitutionally elected Doorkeeper.

The Chair appointed Senators Meachum and Kauffman to escort Mr. Neblett to the bar of the Senate, whereupon the constitutional oath of office was administered him.

SENATE BILL NO. 12.

The Chair laid before the Senate, on second reading,

Senate bill No. 12, A bill to be entitled "An Act to authorize the working of short-term felony convicts on the public roads by the counties of Texas; defining who are short-term convicts, and providing rules and regulations under which said convicts can be so worked."

Senator Terrell of McLennan moved that the bill be laid on the table subject to call.

EXCUSED.

On motion of Senator Alexander, Senator Willacy was excused for non-attendance upon the Senate for this week, on account of sickness.

REASONS FOR VOTING.

On yesterday when the Senate voted on the amendment to the penitentiary bill, appropriating \$500,000 out of the general revenue of the State, I refused to vote on the amendment for the following reasons, to wit:

I find from the Comptroller's report for the fiscal year ending August 31, 1909, on page 4 of said report, the Treasury balance reported as being on August 31, 1908, \$888,985.61. After this date the Attorney General turned into the State Treasury money collected from the Waters-Pierce Oil Company a net amount of \$1,770,212.55. These two items gave to the State \$2,659,198.16 in cash, over and above all revenue collected by the State for the two fiscal years ending August 31, 1910. I find from the statement issued by the Treasurer of the State at the request of Senator Hudspeth that there was a balance in the Treasury on the 31st of August, 1910, of \$1,258,000.

From the above, it is quite clear that the State has expended \$1,401,198.16, over and above all the revenues collected by the State during the entire two fiscal years just past.

To my mind, it is quite clear that it

has cost the State \$1,401,198.16, over and above the total income of the State, to pay the current expenses of the State for the past two fiscal years, and that under an economical administration. It would be a violent assumption to assume that it would be possible for the State to pay current expenses for the next two fiscal years (with \$1,401,198.16 less than amount spent during the past two years), it matters not how wise and economical it might be.

With a deficit in sight, I can not afford to vote to increase this deficit by one-half million dollars.

MURRAY.

ADJOURNMENT.

On motion of Senator Hume, the Senate, at 5:15 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Senter:

Dallas, Texas, September 2, 1910.

Hon. E. G. Senter, Austin, Texas:

We believe enactment of reasonable bill of lading law will greatly facilitate sale of cotton exchange and movement of crop and will thereby be great benefit alike to farming business and banking interests of the State.

CITY NATIONAL BANK OF DALLAS.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,

Saturday, September 3, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofe.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.

Terrell of Bowie. Ward.
Terrell of McLennan. Watson.
Terrell of Wise. Weihert.
Veale.

Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

The Chair called the regular order of business, and there being no business under this head, the Chair declared the morning call concluded.

HOUSE BILL NO. 9.

The Chair laid before the Senate as special order for this morning.

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight

or non-negotiable bill of lading, and to the holder of an order or negotiable bill of lading, and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

The question on the bill was on the pending amendment by Senator Cofer (see Journal of yesterday for the amendment).

Senator Murray moved that the Senate resolve itself into Committee of the Whole for the purpose of considering this bill, and that those interested in this bill to be invited to appear before the committee to present their views on the bill.

The motion prevailed, and the Senate accordingly resolved itself into a Committee of the Whole.

IN THE SENATE.

(Lieutenant Governor Davidson presiding.)

INSTRUCTIONS TO SENATE RESCINDED.

Senator Hudspeth here moved that the Senate further instruct the Free Conference Committee on Senate bill No. 7, the insurance bill, as to the action of said committee with reference to an agreement to a certain section relating to the appointment of the members of the board, provided for in said bill.

Senator Watson then moved that the Senate rescind its action on yesterday by which it gave members of the Free Conference Committee specific instructions as to that part of the bill referred to in the above motion.

The motion to rescind prevailed by the following vote:

Yeas—24.

Adams.

Alexander.

Brachfield.
Bryan.
Greer.
Holsey.
Hudspeth.
Kauffman.
Kellie.
Mayfield.
Meachum.
Paulus.
Perkins.

Ratliff.
Real.
Senter.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.

Absent.

Cofer.
Harper.
Hume.

Murray.
Peeler.

Absent—Excused.

Willacy.

On motion of Senator Holsey, the Senate resolved itself in a Committee of the Whole Senate for the purpose of further considering House bill No. 9, the bill of lading bill.

IN THE SENATE.

(Lieutenant Governor Davidson presiding.)

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 7.

Senator Hudspeth offered the following Free Conference Committee report, and moved that the report be adopted:

Austin, Texas, September 3, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee to consider Senate bill No. 7 with the House amendments, the same being a bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of

said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses, and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violation of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency," have had the same under consideration and recommend that said Senate bill No. 7, with House amendments, do not pass, but that in lieu thereof and as a substitute therefor that the following bill, prepared by your Free Conference Committee, do pass.

HUDSPETH,
BRACHFIELD,
TERRELL of Bowie,
ALEXANDER,
WEINERT,

On the part of the Senate.

VAUGHAN,
CRAWFORD,
CURETON,
STRATTON,
LOONEY,

On the part of the House.

A BILL

To Be Entitled

An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire, may transact business in the State of Texas and providing for the making, promulgation, regulation and control of general basis schedules, insurance rates and premiums and forms of insurance policies; providing certain conditions and limitations on insurance contracts or policies; providing for maximum insurance rates and how companies

may write contracts of insurance at rates lower than the maximum rates and the filing of statements of reduced rates with the State Insurance Board and certified copies thereof with city secretaries and county clerks and fixing the fees of said last two officers for such service; to prevent discrimination in insurance rates or premiums except as provided in this act; to create a State Insurance Board and prescribing the duties and authority of said board and each member thereof and fixing the salaries of the members thereof and providing for their appointment and removal; providing certain duties for and to give certain authority to the Commissioner of Insurance and Banking; appropriating money necessary to carry out the provisions of this act; providing penalties for the violation of certain provisions of this act; fixing the time when this act shall go into effect and repealing Chapter 18, of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature and all other laws and parts of laws in conflict therewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every fire insurance company, every marine insurance company, every fire and marine insurance company, every fire and tornado insurance company, and each and every insurance company of every kind and name issuing a contract or policy of insurance, or contracts or policies of insurance against loss by fire on property within this State, whether such property be fixed or movable, stationary or in transit, or whether such property is consigned or billed for shipment within or beyond the boundary of this State or to some foreign country, whether such company is organized under the laws of this State or under the laws of any other State, Territory or possession of the United States, or foreign country, or by authority of the Federal government, now holding a certificate of authority to transact business in this State, or hereafter granted authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder, upon condition that it consents to the terms and provisions of this act and that it agrees to transact business in this State subject there-

to; it being intended that every contract or policy of insurance against the hazard of fire shall be issued in accordance with the terms and provisions of this act, and the company issuing the same governed thereby, regardless of the kind and character of such property and whether the same is fixed or movable, stationary or in transit, including the shore end of all marine risks insured against loss by fire.

Sec. 2. That there may be reasonable and just insurance rates in Texas, there is hereby created a board to be known as the "State Insurance Board," which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and two members who shall be appointed by the Governor by and with the consent of the Senate, subject to removal as provided for removal of State officers by Article 3528, of the Revised Statutes of Texas; the members of said board other than the Commissioner of Insurance and Banking shall be appointed as herein provided within ten days after this act takes effect; one of said members to be so appointed shall be appointed for a term ending February 1, 1911, and biennially thereafter; the other of said members of said board shall be appointed for a term ending February 1, 1912, and biennially thereafter, and the Governor in making his first appointments to fill these respective offices shall designate which of said officers shall fill the term expiring February 1, 1911, and which of said officers shall fill the term expiring February 1, 1912. The Commissioner of Insurance and Banking, for the purpose of this act, may be referred to as the Commissioner of Insurance.

Sec. 3. The members of said board other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum of twenty-five hundred dollars per annum; and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act, the sum of five hundred dollars per annum in addition to his compensation as now fixed by law. Such salaries of the said two appointed members of said board and the said five hundred dollars salary of the Commissioner of Insurance and Banking, together with the necessary compensation of experts, the clerical force, and other persons employed by said board, and all necessary traveling expenses, and such other ex-

penses as may be necessary, incurred in carrying out the provisions of this act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer upon the order of said board; provided, that the total amount of all salaries and said other expenses shall not exceed the sum of twenty-five thousand dollars annually; and for the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, and ending August 31, 1911.

Sec. 4. The State Insurance Board shall have the power and authority and it shall be its duty to prescribe, fix, control and regulate rates of fire insurance, as provided in this act. It shall make and prescribe general basis schedules, together with rules and regulations for determining maximum specific rates therefrom, and furnish each insurance company now doing business in this State, or which may hereafter be granted a certificate of authority to do business in this State, a copy of such general basis schedules; and the said board shall also have authority to alter or amend such general basis schedule in accordance with the provisions of this act. Said board shall also supervise, control and regulate rates of insurance, and shall have authority to alter and revise and to raise and lower such rates, and to alter and revise, raise and lower such general basis schedules or any part thereof, and decide all questions required, authorized or permitted to be passed upon by said board under the provisions of this act. Said board shall also have authority to employ clerical help, experts, inspectors, and such other assistants, and to incur such other expenses as may be necessary in carrying out the provisions of this act not to exceed the sum of \$25,000 per annum, including salaries of the members of the board and all other expenses to be paid out of the State Treasury.

It shall be the duty of said board to ascertain as soon as practicable the annual fire loss in this State; to obtain, to make and maintain a record thereof and collect such data and information with respect thereto as will enable said board to classify the fire losses of this State, the causes thereof and the amount of premiums collected therefor for each class of risks and the amount

paid thereon, in such manner as will be of assistance in determining equitable insurance rates, methods of reducing such fire losses, and reducing the insurance rates of the State.

Sec. 5. For the purpose of facilitating the work of said board, one of the appointed members thereof shall be selected by the board as its secretary, who shall perform the duties which shall appertain to that position, and whose official title shall be "Secretary of the State Insurance Board;" the other of said appointed members thereof shall be selected by said board as fire marshal of the State Insurance Board and his official title shall be "Fire Marshal of the State Insurance Board;" but the said members so selected as secretary and fire marshal as aforesaid, shall receive no compensation for filling their respective positions other than their salaries as members of the State Insurance Board, and shall perform the duties of these respective positions at the will of the board but their expenses incurred in performing the duties of these positions shall be paid as provided in this act.

Sec. 6. It shall be the duty of the fire marshal of the State Insurance Board, who, for the purpose of this act, may be referred to as the State Fire Marshal, at the discretion of the board, and upon the request of the mayor of any city or village, or the chief of a fire department of any city or village; or any fire marshal where a fire occurs within such city or village; or of a county or district judge; or of the sheriff or county attorney of any county, where a fire occurs within the district or county of the officer making such request; or of any fire insurance company, or its general, State or special agent, interested in a loss; or of a policyholder sustaining a loss; or upon the direction of the State Insurance Board to forthwith investigate at the place of such fire, the origin, cause and circumstances of any fire occurring within this State, whereby property has been destroyed or damaged, and shall ascertain if possible whether the same was the result of an accident, carelessness or design, and shall make a written report thereof to the State Insurance Board; and shall also furnish in writing to the county or district attorney of the county in which such fire occurred all the information and evidence obtained by him, including a copy of all the pertinent testimony taken in the case.

Sec. 7. The State Fire Marshal shall have the power to administer oaths, take

testimony, compel the attendance of witnesses and the production of documents, and to enter at any reasonable time, any buildings or premises where a fire has occurred or is in progress, or any place contiguous thereto for the purpose of investigating the cause, origin and circumstances of such fire. And he may enter and examine at any reasonable time any building, structure or place for the purpose of ascertaining the fire hazard, and may remove or require the owner or occupant to remove or safely store combustible material, dangerously exposed or improperly placed therein, and to remove any unnecessary exposure to fire hazard found therein; the said State Fire Marshal is hereby authorized, when necessary, to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this section, and in such case he shall not be required to give bond.

Sec. 8. If for any reason the State Fire Marshal is unable to make any required investigation in person he may designate the fire marshal of such city or town, or some other suitable person to act for him; and such person so designated shall have the same authority as is herein given the State Fire Marshal with reference to the particular matter to be investigated by him, and shall receive such compensation for his services as may be allowed by the State Insurance Board. If the investigation of a fire is made at the request of an insurance company or at the request of a policy holder sustaining loss, or at the request of the mayor, town clerk or chief of the fire department of any city, village or town in which the fire occurred, then the expenses of the Fire Marshal, clerical expenses, witnesses and officers' fees incident and necessary to such investigation shall be paid by such insurance company, or such policy holder or such city or town as the case may be; otherwise the expenses of such investigation are to be paid as part of the expenses of the State Insurance Board. Provided, the party or parties, company or companies requesting such investigation shall before such investigation is commenced deposit with the State Insurance Board an amount of money in the judgment of said board sufficient to defray the expenses of said Fire Marshal in conducting such investigation.

Sec. 9. No action taken by the State

Fire Marshal shall effect the rights of any policy holder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any such investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by any insurance company, its officers, agents or adjusters, nor by any policy holder or any one representing him, made with reference to the origin, cause or supposed origin or cause, of a fire, to the Fire Marshal or to any one acting for him or under his directions, be admitted in evidence or made the basis for any civil action for damages.

Sec. 10. The said board is authorized and empowered to require sworn statements from any insurance company affected by this act and from any of its officers, directors, representatives, general agents, State agents, special agents and local agents of the rates and premiums collected for fire insurance on each class of risks, on all property in this State during any or all years for the five years next preceding the 1st day of January, 1910, and of the causes of fires, if such be known, if they are in possession of such data and information, or can obtain it at a reasonable expense; and said board is empowered to require such statements for any period of time after the 1st day of January, 1910; and said board is empowered to require such statements showing all necessary facts and information to enable said board to make, amend and maintain the general basis schedules provided for in this act, and the rules and regulations for applying same and to determine reasonable and proper maximum specific rates and to determine and assist in the enforcement of the provisions of this act. The said board shall also have the right, at its discretion, either personally or by some one duly authorized by it to visit the offices whether general, local or otherwise, of any insurance company doing business in this State, and the home office of said company outside of this State, if there be such, and the office of any officers, directors, general agents, State agents, local agents or representatives of such company, and there require such company, its officers, agents or representatives to produce for inspection by said board or any of its duly authorized representatives, all books, records and papers of such company or such agents and representatives; and the said board or its duly authorized

agents or representatives shall have the right to examine such books and papers and make or cause to be made copies thereof; and shall have the right to take testimony under oath with reference thereto, and to compel the attendance of witnesses for such purpose; and any company, its officers, agents or representatives failing to make such statements and reports herein referred to and failing or refusing to permit the examination of books, papers and records as herein required when so called upon, or declining or failing to comply with any provision of this section shall be subject to the penalties provided for in Section 25 of this act.

Sec. 11. Immediately upon the taking effect of this act, or as soon thereafter as practicable, said board is empowered and it is hereby made its duty, to prepare a system of general basis schedules, together with rules for applying the same, for determining fire insurance rates on property in this State; the said general basis schedules and the rules for applying the same to be at all times reasonable; the said board may employ and use any facts and information now in the possession of or in the records of the present State Fire Rating Board, as well as all facts obtainable from and concerning fire insurance companies transacting business in this State, showing the experience of said companies, and charges for premiums on fire insurance, and generally as to the transaction of their said business during the years named in Section 10 of this act or during any other period of time, in order to devise and fix reasonable general basis schedules and rules for applying the same for determining the maximum specific rates. The said board in preparing such general basis schedules showing the rates on all classes or risks insurable by any company in this State, shall show all charges, credits, terms, privileges and conditions which in any wise affect such rates or the application of such rates to specific risks or the cost of insurance; provided, that such schedules and the rules for applying the same shall be furnished by said board to any and all insurance companies affected by this act applying therefor; and the same shall be furnished to any citizen of this State applying therefor upon the payment of the actual cost thereof; that such general basis schedules, and the rules prescribed with reference thereto shall not take effect until said board

shall have entered an order or orders fixing the same, and shall have given notice to all insurance companies affected by this act, authorized to transact business in this State.

Sec. 12. It is further provided that after the adoption and promulgation of the general basis schedules and the rules and regulations for applying the same, as herein provided for by the board, every insurance company writing fire insurance policies within this State shall, within a reasonable time, file with the State Insurance Board its application of said general basis schedules to the specific risks of the State, and the specific rates obtained thereby in accordance with the several provisions of this act; and provided further, that any one or more insurance companies may employ for the application of such general basis schedules and the making of such specific rates, the service of such experts as they may deem advisable for such purpose, but the contract or contracts of employment of such experts shall first be submitted to the State Insurance Board for its approval; provided, further, that the State Insurance Board shall have authority, and it shall be the duty of said board, personally or by its agents, to inspect and supervise the work of said experts in the application of said general basis schedules in the determination of specific rates; which rates shall be the maximum insurance rates that may be charged for insurance in this State; provided, further, that any company may write insurance at a lower rate than the maximum on any risk or class of risks in any particular locality; and provided, further, that any company making any such reduction shall forthwith file with the State Insurance Board a statement of such reduction, showing the maximum rate and the reduced rate thereon, such statement to be on forms prescribed by the board and signed by the State or general agent of such company, which statement when so filed, shall be subject to the inspection of the public. The State Insurance Board, upon the filing of such statement, shall file a certified copy thereof with the city secretary of any city, town, or village of such locality, if there be such, or if there be no such officer, then the board shall file a certified copy thereof with the county clerk of the county of such locality which said statement when so filed, shall be subject to public inspection. The county clerk or city secretary

aforesaid shall receive as compensation the sum of ten cents for each such statement filed by him, which shall be paid to him by the State Insurance Board out of funds which shall be deposited with the State Insurance Board for such purpose by any such company; provided further, that said company or companies shall file with the board copies of all maps and copies of the analysis of all applications of said general basis schedules to the specific risks of this State, if required to do so by the board. And it shall be the duty of the expert or experts representing the insurance companies, or any insurance company in this State to furnish at the date of the inspection to the owners of all risks inspected for the purpose of applying the general basis schedules provided for in this act, a copy of such inspection report showing all defects that operate as charges to increase the insurance rate.

It is further provided that the maximum specific rates so made by a company or companies for any city, town, village or locality, shall not take effect, and such company or companies shall not write insurance thereunder until such maximum specific rates shall have been approved by the board; the board shall have the authority to reject said maximum specific rates so made or any part thereof, or to alter, amend, modify or change the same; or to permit such maximum specific rates to become effective for a limited time, or any modification or change thereof for a limited time in its discretion; provided, however, that the said board shall have authority in its discretion to permit the said company or companies to apply the said schedules of basis rates to risks other than mercantile and special hazards without having first submitted the maximum specific rates so made to said board for approval. But such rates that the board may permit any company or companies to apply without the board's approval shall always be subject to review by the board and by the proper showing of any policyholder or holders may be reduced. It is further provided that all changes made by any company in the maximum specific rates made by it in applying the general basis schedules shall be subject to the review of the board for its approval or disapproval, and shall be reported to the board in

such manner and form as may be prescribed by the board. Provided, further, that any insurance company or companies affected by this act shall have the right at any time to petition the board for an order changing or modifying the general basis schedules, or the application of the general basis schedules to the specific risks; and the board shall consider such petition as provided in this act, and enter such order as the board may deem just and equitable to such company or companies, to competing companies and to the public. Provided, further also, that any company or any policyholder affected by this act shall have the right to apply to the board for an order reducing the maximum specific rates of insurance on property within this State, and the board shall consider such application and enter such order with reference thereto as it may deem just and equitable to such company, to competing companies and to the public.

The board shall also have the power and authority to give each city, town, village, or locality credit for each and every hazard they may reduce or entirely remove, also for all added fire fighting equipment, increased police protection, or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality and also to give credit for a good fire record of each city, town, village or locality. The board shall also have the power and authority to compel any company to give any and all policyholders credit for any and all hazards that said policyholder or holders may reduce or remove. Said credit shall be in proportion to such reduction or removal of such hazard, and said company or companies shall return to such policyholder or holders such proportional part of unearned premiums charged for such hazards that may be reduced or removed.

Sec. 13. It is provided that after the approval by the board of the maximum specific rates made by the insurance companies hereunder, that thereafter when a policy of insurance is written that the policyholder shall be furnished by the company with a copy of the analysis of his maximum specific rate showing the items of charge and credit which determine the rate unless such policyholder has heretofore been furnished with such analysis of his rate; it is also further provided that the general basis

schedules and all maximum specific rates and local tariffs filed in accordance with the provisions of this act shall be open to the inspection of the public, and each local agent shall have and exhibit to the public copies thereof relative to all risks upon which he is authorized to write insurance.

Sec. 14. It is further provided that until the general basis schedules herein provided for shall have been promulgated by the board, and the maximum specific rates thereunder determined, all companies subject to the provisions of this act shall write insurance at the rates now in force in this State, including the reductions heretofore ordered by the State Fire Rating Board in localities where such specific rates have been determined and filed with the board; provided, the general basis schedules from which such specific rates have been made, and such specific rates shall be subject to the authority of the board under this act. Provided further, however, that wherever such specific rates have not been determined then the board shall designate at what rate the company shall write insurance; provided, however, that all rates under this section shall be maximum rates, and the companies shall have the right to write insurance below such rates by complying with the terms and conditions of Section 12 of this act.

Sec. 15. The said board shall have authority, upon reasonable notice, not exceeding thirty days, of its intention to do so, to alter, amend or revise said general basis schedules promulgated by it, or the specific maximum rates approved or ordered by it, as herein provided, and to give reasonable notice of such alteration, amendment or revisions to the public or to any company or companies affected thereby. Such altered, amended or revised schedules or maximum rates shall be the schedules or maximum rates to be thereafter charged for insurance by any company in this State; provided, that the board may order changes to be made to meet unusual conditions in any particular locality, should such conditions exist or arise, by giving similar notice to the public or to any company affected thereby. Provided, the changes or amendments made to the general basis schedules shall apply only to policies of insurance written after the order of the board making such changes or amendments becomes effective. Provided further, that no policy existing prior to the taking effect of such changes or amendments to the gen-

eral basis schedules shall be affected by such changes or amendments unless there shall be a change in the hazard of the risk necessitating a change in the rate applicable to such risk, in which event such policy shall be affected by such changes or amendments unless there shall be a change in the hazard of the risk necessitating a change in the rate applicable to such risk, in which event such policy shall be subject to the new rates applicable under the changed or amended general basis schedules.

Sec. 16. It shall be the duty of the State Insurance Board to make, promulgate and establish uniform policies of insurance applicable to the various risks of this State, copies of which uniform policies shall be furnished each company doing business in this State, or which may hereafter do business in this State. That after such uniform policies shall have been established and promulgated and furnished the respective companies doing business in this State, such companies shall, within sixty days after the receipt of such forms of policies, adopt and use said form or forms and no other; and all companies which may commence business in this State after the adoption and promulgation of such forms of policies, shall adopt and use the same and no other forms of policies. The said Insurance Board shall also prescribe all standard forms, clauses and indorsements used on or in connection with insurance policies. All other forms, clauses and indorsements placed upon insurance policies shall be placed there on subject to the approval of the board. The board shall also have authority in its discretion to change, alter or amend such form or forms of policy or policies, and such clauses and indorsements used in connection therewith upon giving notice and proceeding in accordance with Section 20 of this act.

Sec. 17. Any provision in any policy of insurance issued by any company subject to the provisions of this act to the effect that if said property is incumbered by a lien of any character or shall after the issuance of such policy become incumbered by a lien of any character, that such incumbrance shall render such policy void, shall be of no force and effect, and any such provision within or placed upon any such policy shall be absolutely null and void.

Sec. 18. No company subject to the provisions of this act may issue any policy or contract of insurance covering property in this State, which shall contain any clause or provision requiring

the assured to take out or maintain a larger amount of insurance than that expressed in such policy, nor in any way providing that the assured shall be liable as coinsurer with the company issuing the policy for any part of the loss or damage which may be caused by fire to the property described in such policy, and any such clause or provision shall be null and void and of no effect; provided, that it may be optional with the assured to accept a policy or contract of insurance containing a coinsurance clause or provision when a reduction in the rate of insurance on the property described in such policy is the consideration named in such clause, and when so accepted the coinsurance clause or provision shall be binding on the assured.

Sec. 19. It is provided that any citizen or number of citizens of this State, or any policyholder or policyholders, or any insurance company affected by this act, or any board of trade, chamber of commerce or other civic organization, or the civil authorities of any town, city or village, shall have the right to file a petition with the Insurance Board setting forth any cause of complaint that they may have as to any order made by this board, or any schedule promulgated by this board, or as to any specific rate approved by this board, and that they shall have the right to offer evidence in support of the allegations of such petition by witnesses, or by depositions or by affidavits; that upon the filing of such petition, the party complained of, if other than the board, shall be notified by the board of the filing of such petition and a copy thereof furnished the party or parties, company or companies, of whom complaint is made, and the said petition shall be set down for a hearing at a time not exceeding thirty days after the filing of such petition and the board shall hear and determine said petition; but it shall not be necessary for the petitioners or any one for them to be present to present the cause to the board, but they shall consider the testimony of all witnesses, whether such witnesses testify in person, or by deposition, or by affidavits, and if it be found that the complaint made in such petition is a just one, then the matters complained of shall be corrected or required to be corrected by said board.

Sec. 20. The State Insurance Board shall give the public and all insurance companies, to be affected by its orders or decisions, reasonable notice thereof, not exceeding thirty days, and an op-

portunity to appear and be heard with respect to the same; which notice to the public shall be published in one or more daily papers of the State, and such notice to the insurance company or companies to be affected thereby shall be by letter deposited in the postoffice, addressed to the State or general agent of such company or companies, if the address of such State or general agent be known to the board, or, if not known, then such letter shall be addressed to some local agent of such company or companies, or, if the address of a local agent be unknown to the board, then by publication in one or more of the daily papers of the State, and the board shall hear all protests or complaints from any insurance company or any citizen, or any city, town or village, or any commercial or civic organization as to the inadequacy or unreasonableness of any rates fixed by it or approved by it, or as to the inadequacy or unreasonableness of any general basis schedules promulgated by it or the injustice of any order or decision by it; and if any insurance company, or other person, or commercial or civic organization, or any city, town or village, which shall be interested in any such order or decision, shall be dissatisfied with any regulation, schedule or rate adopted by such board, such company or person, commercial or civic organization, city, town or village shall have the right, within thirty days after the making of such regulation or order, or rate, or schedule, or within thirty days after the hearing above provided for, to bring an action against said board in the district court of Travis county to have such regulation or order or schedule or rate vacated or modified; and shall set forth in a petition therefor the principal ground or grounds of objection to any or all of such regulations, schedules, rates or orders; in any such suit, the issue shall be formed and the controversy tried and determined as in other civil cases, and the court may set aside and vacate or annul any one or more or any part of any of the regulations, schedules, orders or rates promulgated or adopted by said board, which shall be found by the court to be unreasonable, unjust, excessive or inadequate, without disturbing others. No injunction, interlocutory order or decree suspending or restraining directly or indirectly the enforcement of any schedule, rate, order or regulation of said board shall be granted.

Provided, that in such suit, the court, by interlocutory order, may authorize the writing and acceptance of fire insurance policies at any rate, which in the judgment of the court is fair and reasonable during the pending of such suit, upon condition that the party to such suit in whose favor the said interlocutory order of said court may be, shall execute and file with the Commissioner of Insurance and Banking a good and sufficient bond to be first approved by said court, conditioned that the party giving said bond will abide the final judgment of said court and will pay to the Commissioner of Insurance and Banking whatever difference in the rate of insurance it may be finally determined to exist between the rate as fixed by said board complained of in such suit, and the rate finally determined to be fair and reasonable by the court in said suit; and the said Commissioner of Insurance and Banking, when he receives such difference in money, shall transmit the same to the parties entitled thereto.

Whenever any action shall be brought by any company under the provisions of this section within said period of thirty days, no penalties nor forfeitures shall attach or accrue on account of the failure of the plaintiff to comply with the orders, schedules, rates or regulations sought to be vacated in such action until the final determination of the same.

Either party to any such action, if dissatisfied with the judgment or decree of said court, may appeal therefrom as in other civil cases. No action shall be brought in any court of the United States to set aside any orders, rates, schedules or regulations made by said board under the provisions of this act until all of the remedies provided herein shall have been exhausted by the party complaining.

If any insurance company affected by the provisions of this act shall violate any of the provisions of this act, the Commissioner of Insurance shall, by and with the consent of the Attorney General, cancel its certificate of authority to transact business in this State.

Sec. 21. No company shall engage or participate in the insuring or reinsuring of any property in this State against loss or damage by fire except in compliance with the terms and provisions of this act; nor shall any such company knowingly write insurance at any rate higher than the maximum rates herein provided for and it shall be unlawful

for any company so to do. And it shall be unlawful for any company, or its officers, directors, general agents, State agents, special agents, local agents, or its representatives, to grant or contract for any special favor or advantage in the dividends or other profits to accrue thereon, or in commissions or division of commissions, or any position, or any valuable consideration, or any inducement not specified in the policy contract of insurance; nor shall such company give, sell or purchase, offer to give, sell or purchase, directly or indirectly, as an inducement to insure or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, partnership, or individual, or any dividends or profits accrued or to accrue thereon or anything of value whatsoever, not specified in the policy; but nothing in this section or in this act shall be construed to prohibit a company from sharing its profits with its policyholders; provided, that such agreement as to profit sharing shall be placed on or in the face of the policy, and such profit sharing shall be uniform and shall not discriminate between individuals or between classes; provided, however, that no part of the profit shall be paid until the expiration of the policy.

Any company, or any of its officers, directors, general agents, State agents, special agents, local agents or its representatives, doing any of the acts in this section prohibited, shall be deemed guilty of unjust discrimination; provided, however, that if any agent or company shall issue a policy without authority, and any policyholder holding such policy shall sustain a loss or damage thereunder, said company or companies shall be liable to the policyholder thereunder, in the same manner and to the same extent as if said company had been authorized to issue said policy, although the company issued said policy in violation of the provisions of this act. But this shall not be construed to give any company the right to issue any contract or policy of insurance other than as provided in this act.

Sec. 22. No person shall knowingly receive or accept from any insurance company or from any of its agents, sub-agents, brokers, solicitors, employes, intermediaries or representatives, or any other person, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or

other financial profits accrued or to accrue thereon or any valuable consideration, position or inducement not specified in the policy of insurance, and any person so doing shall be guilty of a violation of the provisions of this section, and shall be punished by a fine of not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding ninety days, or by both such fine and imprisonment.

Sec. 23. The provisions of this law shall not deal with the collection of premiums, but each company shall be permitted to make such rules and regulations as it may deem just between the company, its agents, and its policyholders; and no bona fide extension of credit shall be construed as a discrimination, or in violation of the provisions of this act.

All policies heretofore issued or which shall hereafter be issued by any insurance company prior to the taking effect of this act, which provide that said policies shall be void for non-payment of premiums at a certain specified time shall be and the same are in full force and effect, provided, that the company or any of its agents have accepted the premium on said policies after the expiration of the dates named in said provision fixing the date of payment.

Sec. 24. The Commissioner of Insurance, upon ascertaining that any insurance company or officer, agent or representative thereof, has violated any of the provisions of this act, may, at his discretion, and with the consent and approval of the Attorney General, revoke the certificate of authority of such company, officer, agent or representative; but such revocation of any certificate shall in no manner affect the liability of such company, officer, agent or representative to the infliction of any other penalty provided by this act, and provided that any action, decision or determination of the Commissioner of Insurance and Banking and the Attorney General in such cases shall be subject to the review of the courts of this State as herein provided.

Sec. 25. Any insurance company affected by this act, or any officer or director thereof, or any agent or person acting for or employed by any insurance company, who, alone or in conjunction with any corporation, company, or person, who shall willfully do or cause to be done, or shall willfully suffer or permit to be done any act

matter or thing prohibited or declared to be unlawful by this act, or who shall willfully omit or fail to do any act, matter or thing required to be done by this act, or shall cause or willfully suffer or permit any act, matter or thing directed not to be done, or who shall be guilty of any willful infraction of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars for each offense.

Sec. 26. No person shall be excused from giving testimony or producing evidence when legally called upon to do so at the trial of any other person or company charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence under this act, except for perjury in so testifying.

Sec. 27. This act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State and carried on by the members thereof solely for the protection of their property and not for profit; nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their property and not for profit.

Sec. 28. Not later than March 15th, after this act shall take effect, and annually thereafter, it shall be the duty of the Commissioner of Insurance for the purpose of reimbursing the State for the amount to be so expended during the current year in carrying out the provisions of this act, to collect from each insurance company affected by this act, which transacted business in this State during the preceding calendar year, or any portion thereof, the proportion of said \$25,000 which the gross premiums collected by said company during such year from persons or upon property located in this State bears to the aggregate amount of gross premiums so collected during such year by all insurance companies affected by this act transacting business in this State; provided, that in computing such gross premium receipts there shall be deducted

therefrom the amount paid out for reinsurance and for return premiums on canceled policies. If, at the end of any year after this act shall take effect it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than \$25,000, the amount remaining unexpended shall be applied in the reduction of the amount to be collected from said companies for the succeeding year. The amount due under the provisions of this section by each company shall be certified by the Commissioner of Insurance to such company and he shall revoke the certificate of authority of any company which shall fail to pay the same within thirty days after the receipt of such certificate; provided, that the collections from insurance companies provided for in this section shall not be made for any year during which any such company shall be liable under the laws of this State to the payment of an occupation tax at a rate of two and one-half per cent or more of the gross premiums received, less deductions for reinsurance and return premiums on canceled policies.

Sec. 29. If any part of this act be for any reason held unconstitutional it shall not affect any other portion or part of this act.

Sec. 30. Chapter 18 of the General Laws of the Thirty-first Legislature passed by its First Called Session and approved April 19, 1909, entitled, "An Act providing the conditions upon which fire insurance companies shall transact business in this State; and providing for the regulation and control of rates of premiums on fire insurance and to prevent discrimination therein; and to create a fire insurance rating board; and to provide penalties for violation of this act, and declaring an emergency," and all other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 31. The fact that there is now no sufficient law in this State prohibiting unjust discriminations in the collection of fire insurance rates as between citizens of this State; nor protecting citizens in securing reasonable rates, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days to be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

(Senator Ratliff in the chair.)

The above report was read in full, and Senator Senter moved that the report be printed in the Journal and that it be made a special order for Monday morning at the conclusion of the morning call.

Senator Watson offered the following substitute motion for the above motion:

We move the adoption of the report of the Free Conference Committee on the insurance bill for the reason the incoming Governor, O. B. Colquitt, has requested his friends in the Senate to reconsider the resolution of instruction given on yesterday to the members of the Free Conference Committee on the part of the Senate, and to prevent another possible Called Session of the Thirty-first Legislature.

WATSON,
ADAMS.

(Lieutenant Governor Davidson in the chair.)

REFUSE TO RECESS.

Pending discussion on the above motions, Senator Kellie moved that the Senate recess until 2:30 o'clock, which motion was lost by the following vote:

Yeas—14.

Bryan.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Hume.	Ratliff.
Kauffman.	Senter.
Kellie.	Terrell of McLennan.
Meachum.	Terrell of Wise.

Nays—15.

Adams.	Real.
Alexander.	Sturgeon.
Brachfield.	Terrell of Bowie.
Cofer.	Veale.
Holsey.	Ward.
Hudspeth.	Watson.
Mayfield.	Weinert.
Perkins.	

Absent—Excused.

Willacy.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 7.

Action recurred on the Free Conference Committee report on Senate bill No. 7, the question being on the motion by Senator Watson, as a substitute for the motion by Senator Senter. (See above proceedings for motions.)

(Senator Hume in the chair.)

REFUSES TO RECESS.

Senator Terrell of Wise moved that the Senate take a recess until 3 o'clock p. m. today.

The motion was lost by the following vote:

Yeas—11.

Bryan.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Murray.	Veale.
Peeler.	Watson.
Perkins.	

Nays—12.

Adams.	Meachum.
Alexander.	Real.
Brachfield.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Mayfield.	Weinert.

Absent.

Cofer.	Kellie.
Greer.	Paulus.
Harper.	Ratliff.

Absent—Excused.

Willacy.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 7.

Action recurred on the Free Conference Committee report, the question being on the motion of Senator Senter and Senator Watson's motion therefor.

RECESS.

Senator Hudspeth moved that the Senate recess until 2 o'clock p. m. today.

Senator Peeler moved, as a substitute, that the Senate recess until 3 o'clock p. m. today.

The substitute motion was lost, and the motion to recess until 2 o'clock today was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 7.

Action recurred on the Free Conference Committee report on Senate bill No. 7, the question being on the motion

by Senator Senter and Senator Watson's substitute therefor.

The Senate was, on motion of Senator Watson, at ease for fifteen minutes.

The Senate was again called to order by Lieutenant Governor Davidson and action recurred on the Free Conference Committee report on Senate bill No. 7.

Action recurring on the motion by Senator Watson, the Chair ruled same out of order, and Senator Senter withdrew his motion.

Senator Hudspeth having moved the adoption of the report, Senator Watson offered a substitute in writing for same, and the Chair ruled it out of order.

Senator Hudspeth moved the previous question on the motion to adopt the Free Conference Committee report. The motion being duly seconded, was so ordered by the following vote:

Yeas—22.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Peeler.	Weinert.

Nays—2.

Hume. Terrell of McLennan.

Absent.

Harper. Murray.
Kauffman. Paulus.

Absent—Excused.

Willacy.

The motion to adopt the Free Conference Committee report on Senate bill No. 7, was then adopted by the following vote:

Yeas—22.

Adams.	Perkins.
Alexander.	Ratliff.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Peeler.	Weinert.

Nays—2.

Hume. Terrell of McLennan.

Absent.

Harper. Murray.
Kauffman. Paulus.
Kellie.

Absent—Excused.

Willacy.

Senator Hudspeth moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

I vote "yea" for the Free Conference Committee report on the insurance bill because it surely is a better law than the one now in existence.

TERRELL of Wise.

The proper function of the legislative branch of the government is to enact wise laws. No enactment is to be justified upon the mere ground of "transacting business." It may be safely assumed that no law is wise that is unnecessary. And the supreme test of the merit of a specific enactment is that its passage is a real benefit to the people.

The doubt in this respect should always be resolved against a particular legislative proposal. A proposition "harmless" or "just as good" as existing law, is not entitled to approval of the lawmaking body. There should be at least a demonstrated preponderance of good to be expected from any measure urged for passage. Legislation is at least a serious business; notwithstanding the fact that those engaged in making laws are not infrequently taken as a joke.

That people is most wisely and safely governed that is least hampered in its normal activities by unwise laws. There are many adjustments in human affairs effected without the intervention of the law as such, and interference by statute is not always salutary.

Believing the present insurance bill is dangerous and not based upon sound principles of trade and government, and fearing that the measure is the product of anxiety to escape another Called Session rather than the embodiment of a demonstrated benefit to the people of this State, and believing that it is not the proper function of the State to reach out into the insurance business to the extent authorized under this bill, I have concluded that it was to the best interest of the State that the bill be

not passed, and I have accordingly voted against the measure.

HUME.

In our judgment, the wisest legislation on the subject of insurance would be to encourage, as far as possible by statute, the removal of the causes of fire waste, repeal the present law providing for a Fire Rating Board, give free play to all competitive forces, and rigidly prohibit combinations to fix rates. It is well known that the House will not pass the Senate bill repealing the present law on the subject without the creation of another rating board. The Free Conference Committee report now pending seems to be in some respects an improvement on the existing law, although it contains new elements of trouble. Forced to a choice between two evils, we vote for the one of latest pattern, hoping that it may prove to be the best.

SENTER,
WATSON.

I vote "yea" on this bill solely for the purpose of giving the people in my district, and especially the people of El Paso, some relief from the oppressive burden placed upon them by the present fire insurance law, which, in plain words, is a legalized trust.

This bill that I have just voted for does not meet my ideas in every particular, for my idea was embodied in the original Senate bill permitting a low maximum rate fixed by the board and free competition thereunder. I would have much preferred to have repealed the present obnoxious law without enacting any other to take its place, but after passing a bill to that effect twice through the Senate and same failing of passage both times in the House, I voted for this bill for the reason stated above.

HUDSPETH.

HOUSE BILL NO. 9.

Action then recurred on House bill No. 9. (See former proceedings of today for caption of.)

The question on the bill was on the amendment by Senator Cofer. (See Journal of yesterday for amendment.)

Senator Senter moved that the Senate recess until 8:30 o'clock tonight.

The motion was lost by the following vote:

Yeas—3.

Watson.

Adams.
Senter.

Nays—19.

Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Holsey.
Hume.
Kauffman.
Mayfield.
Meachum.

Peeler.
Perkins.
Real.
Sturgeon.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Ward.
Weinert.

Absent.

Harper.
Hudspeth.
Kellie.

Murray.
Paulus.
Veale.

Absent—Excused.

Willacy.

Senator Watson moved that the Senate recess until 3 o'clock today, but the motion was ruled out of order on a point of order by Senator Alexander.

HOUSE BILL NO. 9.

Action recurred on House bill No. 9, the question being on the amendment by Senator Cofer, offered on yesterday.

RECESS.

Senator Watson moved that the Senate recess for thirty minutes.

The motion was adopted by the following vote:

Yeas—14.

Adams.
Alexander.
Harper.
Hudspeth.
Hume.
Meachum.
Murray.

Peeler.
Perkins.
Real.
Senter.
Terrell of McLennan.
Watson.
Weinert.

Nays—13.

Brachfield.
Bryan.
Cofer.
Greer.
Holsey.
Kauffman.
Mayfield.

• Ratliff.
Sturgeon.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.

Absent.

Kellie.

Paulus.

Absent—Excused.

Willacy.

AFTER RECESS.

At 3:15 o'clock the Senate was called to order by Lieutenant Governor Davidson.

REFUSE TO ADJOURN.

Senator Watson moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—11.

Adams.	Real.
Hudspeth.	Senter.
Meachum.	Terrell of McLennan.
Murray.	Watson.
Peeler.	Weinert.
Perkins.	

Nays—13.

Alexander.	Mayfield.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Veale.
Holsey.	Ward.
Kauffman.	

Present—Not Voting.

Harper.

Absent.

Hume.	Paulus.
Kellie.	Terrell of Wise.

Absent—Excused.

Willacy.

HOUSE BILL NO. 9.

Action occurred on House bill No. 9, the question being on the pending amendment by Senator Cofer offered on yesterday.

Senator Sturgeon offered the following amendment to the amendment:

Amend the amendment by striking out the words "if true," on page 125 of the Journal.

ADJOURNMENT.

Senator Perkins moved that the Senate adjourn until Monday morning at 10 o'clock.

The motion prevailed by the following vote:

Yeas—14.

Adams.	Hume.
Greer.	Kauffman.
Harper.	Meachum.
Hudspeth.	Murray.

Peeler.
Perkins.
Real.

Senter.
Watson.
Weinert.

Nays—10.

Alexander.	Ratliff.
Brachfield.	Sturgeon.
Cofer.	Terrell of Bowie.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Bryan.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Paulus.	

Absent—Excused.

Willacy.

APPENDIX.

COMMITTEE REPORT.

Committee Room,

Austin, Texas, September 3, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

SENATE BILL NO. 10.

Following is the penitentiary bill as passed by the Senate, and is printed in this Journal by order of the Senate:

A BILL

To Be Entitled

An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and shall be given opportunity, encouragement and training in the matter of reformation.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are or may be kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3 It is hereby declared the policy of this State to work all prisoners within the prison walls, and upon farms owned by the State, and in no event shall

the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares, or upon any other farm or place other than that owned and controlled by the State of Texas, after January 1, 1914; provided, that all existing contracts for prison labor in existence at the time this act takes effect shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914; provided further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out of prisoners at the earliest practicable time.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purpose of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men, to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, whose term of office shall expire on the 20th day of January, 1911; provided, however, that in the event of a change in the Constitution extending the term of office of the Prison Commissioners, the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot, or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment.

Sec. 5. Each member of said Commission shall, within ten days after his appointment, execute a bond with two or more good and sufficient sureties, in the sum of seventy-five thousand dollars, payable to the Governor of this State and his successors in office, and conditioned for the faithful performance of his duties and the strict accounting to the State of all moneys coming into his hands as such Commissioner, the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by and the same shall be filed with the Secretary of State. And before entering upon the duties of his office each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State. And it shall be the duty of the

Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis county for the forfeiture and collection of said bond.

Sec. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of three hundred dollars per month, to be paid at the end of each month; and in addition thereto he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid together with said salary out of the funds of the prison system; all such expense accounts to be itemized and sworn to in duplicate and approved by the Chairman of the Board of Prison Commissioners, one copy to be kept with the records of the Board of Prison Commissioners and one copy filed with the Comptroller of Public Accounts. Each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy the residence houses belonging to the State at Huntsville.

Sec. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office, and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested. And any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office.

Sec. 8. That said Prison Commission shall be vested with the exclusive management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and, if permitted, it shall be grounds for removal from office.

Sec. 9. That the said Prison Commission shall have power to and it shall

be their duty to appoint all necessary officers, all physicians, chaplains, teachers, and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, and they shall require all appointees, who, in discharging their duties, are charged with handling any funds of the system or State, to execute bond in such amount as may be fixed by the Prison Commission, to be conditioned as required by law for the faithful performance of their duties.

Sec. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The Commissioners shall select one member as chairman and shall designate one member to have supervision over the finances and financial transactions of the prison system, one who shall supervise the feeding, clothing, care and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be known and designated as the superintendent of parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may be now or hereafter in force in this State, unless otherwise directed by law. Provided, that each member so designated shall report his actions to the Prison Commission. The provisions of this section are intended to facilitate the work of the Prison Commission and shall not be construed as releasing the full board of the Prison Commissioners any authority or general responsibility for the management of the prison system. The Prison Commission shall keep or cause to be kept in a well bound book a minute of the proceedings of all meetings held by them.

Sec. 11. The Prison Commission shall have the authority at all times to discharge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system, or for any dereliction in duty, or whenever they may deem it to be for the best interests of the service.

Sec. 12. The Prison Commission shall have the power to purchase or cause to be purchased with such funds as may be at their disposal, any lands, buildings, machinery, tools and supplies for the benefit of said prison system, and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and

restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Board of Prison Commissioners with all power and authority necessary for the proper management of the prison system of this State.

Sec. 13. The Prison Commission shall have power with the approval of the Governor to purchase such land as may, in their judgment, be necessary in the operation of said system, and the employment of prisoners confined in said prison, and in the purchase thereof, they may pay such sum in cash as may be agreed upon with the vendor, and for the unpaid purchase money to become due upon said land, they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties, and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon, and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged, and that no personal liability against the Prison Commission or the State of Texas, shall arise out of said transaction beyond said liens; and the purchase money paid originally as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this act shall be examined, passed upon and approved as good and sufficient by the Attorney General, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall rest in the Prison Commission and their successors in office, as trustees for the State.

Sec. 14. The Prison Commission shall buy annually so many acres of land as will in four years, or sooner if practicable (from the taking effect of this act), enable all the prisoners hired out or employed on share or contract farms, and who are not otherwise employed by

the State, to be employed directly on farms belonging to the prison system.

Sec. 15. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of five hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum hereby appropriated shall be under control and at the disposal of the Prison Commission, as provided in this act: provided, that not more than \$200,000 of the amount herein appropriated shall be expended prior to February 1, 1911. And the remaining three hundred thousand dollars shall not be expended until after said date, nor shall the Board of Prison Commissioners holding office prior to February 1, 1911, incur any obligations to be paid out of said sum of three hundred thousand dollars.

Sec. 16. The Prison Commission is authorized and it shall be its duty to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fireproof, well ventilated prison buildings, providing a separate cell or room for each prisoner, as far as conditions and the welfare of the prisoner demands, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining room, hospitals, school rooms and chapels, and other necessary conveniences for the benefit of the prisoners. The provisions of this section shall be carried out to completion as rapidly as is practicable so that the same shall be completed in the entire prison system within six years from the taking effect of this act.

Sec. 17. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property, at such prices and on such terms as may be deemed best by them, and they may, with the approval of the Governor, sell or lease any real estate or other fixed property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission

shall in the purchase or sale of all real estate, or in the purchase or sale of any machinery or equipment for the prison system exceeding in value the sum of \$5000, advertise in the manner prescribed by the Prison Commission, for bids for such property in at least three daily papers in this State having a general circulation and shall give all such bids received to the public press at least 30 days before any such contract is let.

Sec. 18. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the Prison Commission, which fund shall be known as the Prison Commission Account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 23 of this act. The Prison Commission is hereby authorized to draw from the Prison Commission Account in the State Treasury any and all sums of money necessary for the business transactions of the prison system. The Prison Commission is authorized to draw upon the Prison Commission Account with the State Treasurer, such sum or sums of money and at such time, or times, as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars, and provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission Account to be paid. On December 1st of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the Prison Commission Account and send deposit receipt to the Prison Commission.

Sec. 19. The Prison Commission may at any time issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, and for such contingencies as may at any time

arise concerning the management of the prison system or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all underofficers, employes, and all persons whomsoever in any way connected with the State prisons or its management, or its prisoners within and without the walls. The Prison Commission shall have all laws, rules, and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employes and guards as will ascertain the knowledge of such law, rules and regulations, and any such officer, employe or guard, who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

Sec. 20. It shall be the duty of some member or members of the Prison Commission to spend at least one whole day each month at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept, may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 21. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiaries at Huntsville by the sheriffs of such respective counties if such sheriffs are willing to perform such services as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville where the character of labor which each prisoner may reasonably perform shall be determined.

Sec. 22. The Prison Commission shall cause to be made annually, on the 1st day of December, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description, belonging to the prison system, and shall cause to be set opposite each item, the book value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system, a system of books showing a separate account with each industry and farm and for the system as a whole, showing the losses, profits, and net earnings of each industry and farm connected with the system and shall make a report of the same annually on the 1st day of December, to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system and the methods of dealing with the convicts thereof.

Sec. 23. The member of the Prison Commission designated by the board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission for every source whatsoever, and shall sign all vouchers or warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any

account of the prison system except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officer or employe at stated intervals. All deposits of prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accounts and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the Prison Commission, in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer, one of the Prison Commissioners may sign such receipts, warrants or vouchers.

Sec. 24. On the taking effect of this act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and Secretary of State, a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the 1st day of December of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and Secretary of State, for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and Secretary of State renders him unfitted for said office, and in case of the discharge or resignation of any auditor another shall be appointed. During the term of his service such accountant shall be paid a monthly salary of two hundred dollars per month and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

Sec. 25. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 26. Within a reasonable time, and not later than six months after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

Sec. 27. The Prison Commission shall, as soon as practicable, provide at each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language and industrial education, music and such other instruction as they may prescribe, and they shall employ such number of competent teachers to instruct the prisoners in the same as in the judgment of the Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such school. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same.

Sec. 28. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to religious and moral learning and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty; providing that chaplains may also be teachers as provided for in this act.

Sec. 29. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office or shall become incapable or unfit to discharge his official duties, or shall willfully fail, refuse or neglect to discharge

the duties of his office, such member shall be subject to removal from office as provided by Article 3528, Revised Statutes of 1895.

Sec. 30. The Prison Commission shall, except as provided in this act, fix the salaries of all officers and employees of the prison system upon such basis as the labor and ability of the officer or employee entitles him to, such salary to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than thirty-five dollars per month; provided, that for meritorious service and adaptability to the work, the Prison Commission may increase the pay of any guard to an amount not to exceed fifty dollars per month. No person shall be employed as a guard to guard convicts who is not of good moral character and who is not able to read and write and has not a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the Prison Commission shall require all officers and employees connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the Prison Commission shall require all officers and employees connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 31. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared, under wholesome, sanitary conditions and in sufficient quantity and reasonable variety, and they shall hold all underofficers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 32. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison sys-

tem, and such other matters as they may require.

Sec. 33. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept, they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence or otherwise.

Sec. 34. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission in addition to the requirements of this act, to provide every reasonable and practicable means for the encouragement of such reform. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than the others, and likely to observe the laws and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible, or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another and shall transfer them from one class to another

from time to time as they may seem to merit promotion or reduction.

The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner upon entering the prison system shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline and for demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided.

That prison discipline may be enforced the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, but whipping and placing prisoners in stocks shall be prohibited. When not at work, white and negro prisoners shall be kept separate.

Sec. 35. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable the Prison Commissioner shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners and shall provide reasonable rules and regulations for the government of the same.

Sec. 36. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the matron over such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoner is such that they can perform physical labor. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at

the place where female prisoners are kept.

Sec. 37. The Prison Commission shall also keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners.

Sec. 28. At the place where female prisoners are kept, none but married men shall be employed as guards and the houses for such guards and their families shall be provided by the State in which the families of the guards shall live, said houses not to be situated further than 100 yards from the main prison building where such female prisoners are kept.

Sec. 39. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

Sec. 40. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of 10 cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this section 25 cents per day for each day of such good time so forfeited; provided, that when such prisoner has a family or relatives within the second degree by consanguinity or affinity, dependent upon him, such saving shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives, then said saving shall be paid to him upon his discharge from prison.

Sec. 41. No prisoner shall be worked on Sunday except in cases of extreme necessity, and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of \$1 per day for each Sunday so worked.

Sec. 42. The various provisions of this act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the

same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 43. In order to encourage prison discipline a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term the commutation allowed for one month of such year may be forfeited, for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape, the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 44. Hereafter life or long-term

prisoners who have actually served fifteen years and have no sustained charge of misconduct and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation as if originally sentenced for a term of years, except the Governor shall otherwise direct; provided, however, that all convicts in this State, who had prior to September 1, 1910, been convicted and confined in the penitentiary of this State for a term of fifteen years or more, and are now so confined shall, upon the taking effect of this act, be paroled by the Board of Prison Commissioners, and shall be allowed to go upon parole outside the buildings and jurisdiction of the penitentiary authorities; provided, however, that the provisions of this act shall apply to all convicts except those convicted of rape or assault on rape, those convicts who have heretofore been convicted of a felony in this State more than twice; and provided further, that should any convict paroled under this act be hereafter convicted in the courts of this State of any felony and sentenced to the penitentiary of this State, that said convict shall forfeit all of the rights of said convict as herein provided for, and shall hereafter be treated as an escaped convict, owing service to the State, and shall be liable, when so convicted, to serve out the unexpired period of time of his sentence originally entered against him, and the time from the date of his parole to the date of his subsequent conviction shall not be counted as any part or portion of the time served.

Sec. 45. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only, the Prison Commission may allow the prisoner to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining room each Monday morning for the coming

week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 46. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission, provided that no prisoner shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner which shall not be less than one hour. And in case of such extreme and unavoidable emergency said prisoner shall receive out of the funds of the prison system the sum of 10 cents per hour for such work so performed more than ten hours per day. In going to and returning from work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor at the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until first having been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 47. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place, shall be accordingly removed.

Sec. 48. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of a prisoner's money who misappropriates the same or any part thereof, shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary for a term of not more than five years.

Sec. 49. If any prisoner shall die

while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried and the grave marked by a board with the name of said prisoner, date of death, age, if known, and the county from which sentenced inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section, who shall fail to discharge such duties, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

Sec. 50. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under his care and control, shall at once notify the nearest justice of the peace, and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and said justice of the peace shall reduce to writing the evidence taken, during such inquest and shall furnish a copy of the same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died, and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury if there should be any suspicion of wrong-doing shown by the inquest papers to thoroughly investigate the cause of such death. Any officer or employe of the prison system

having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year.

Sec. 51. The Prison Commission shall provide for competent medical attention for all prisoners and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in practice. Each physician employed in the prison system shall at the end of each month file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the name, color and sex of each prisoner treated, or examined by him during said month, the malady or disease with which each was afflicted, and if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said months, as he may possess; provided further, that for a failure to make such report or any false statement knowingly made by any such physician in any such report he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 52. The Prison Commission shall also provide a competent dentist or dentists, whose duty it shall be to care for the teeth of the prisoners; such dentist or dentists shall at the direction of the Prison Commission visit the various places where prisoners are kept or worked at such intervals as may be prescribed.

Sec. 53. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed, signed by the Chairman of the Board of Prison Commissioners, giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if

any, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of reasonably good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit and unredeemable and non-transferable railroad transportation to the nearest depot from whence sentenced; but, if such prisoner prefers, he may receive such transportation to any other point in this State designated by him.

Sec. 54. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 55. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner, not exceeding one hundred dollars, exclusive of expense of delivery, as may be fixed by the Prison Commission and to be paid as directed by the Prison Commission.

Sec. 56. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing, or other property belonging to or under control of the prison system, shall be guilty of theft and upon conviction be punished as prescribed by law.

Sec. 57. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall be financially interested either directly or indirectly in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five

years, and each transaction shall constitute a separate offense.

Sec. 57a. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall purchase any supplies or any property for the prison system, or shall make any contract for furnishing supplies or property for the prison system, or shall sell any State property to, or shall make any other kind of a contract for said prison system with any person who is related to said officer, agent or employe by affinity within the second degree or by consanguinity within the third degree shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 58. Any sergeant, guard or other officer or employe of the prison system of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system shall be guilty of an assault and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner. In all cases, civil and criminal, a convict, whether serving term in prison or after such imprisonment shall have terminated, shall be a competent witness, and when so testifying, evidence shall be admissible to show that such witness is or was a convict, and the nature of the offense of which he was convicted.

Sec. 59. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 60. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points and the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all official acts.

Sec. 61. The Prison Commission by, and with the consent of the Governor, shall have the power to work convicts on public works, when they can not employ them on the State farms or in the walls by reason of some unforeseen calamity, such as a failure of crops, or the de-

struction of crops by wind or flood. When convicts are worked on public works owned by the State or a subdivision of the State, the humane provision of this act shall be strictly complied with.

Sec. 62. Chapters 1, 2, 3, 4, 5, 6, 7 and 8, Title 79 of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 63. The fact that there is urgent demand for a general revision of the laws governing the penitentiaries of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is enacted.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, September 5, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Kauffman.	Veale.
Perkins.	Willacy.
Sturgeon.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Kellie, the same was dispensed with.

The Chair called the regular order of business, and there being no business under this head, the Chair declared the morning call concluded.

HOUSE BILL NO. 9.

The Chair laid before the Senate, on second reading and pending business,

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued, and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading, and to the holder of an order or negotiable bill of lading, and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of

lading, and prescribing penalties therefor, and declaring an emergency."

The question being on a pending amendment and an amendment thereto,

Senator Senter offered the following substitute for the amendment and the amendment to the amendment:

Substitute for amendment and amendment to the amendment offered by the Senator from Cooke:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. It shall be the duty of the Railroad Commission to adopt and prescribe forms, terms and conditions for the certification or validation, or both, of bills of lading, by common carriers of freight and to regulate and control the method and manner of their issuance, and to take all such steps as it may be necessary to give effect to the provisions of this act.

"Sec. 2. Each and every bill of lading issued by the authorized agent of any railroad company, or receiver thereof, or by the authorized agent of any person, firm or corporation, or a receiver thereof, engaged in the business of a common carrier of freight, shall be deemed and held to be the act and deed of such person, firm, corporation or receiver, and the principal shall be liable thereon for the articles, goods or chattels or other property described therein.

"Sec. 3. Any officer, agent or servant of any railroad or transportation company, or receiver thereof, who shall fail or refuse to issue a bill of lading in accordance with the regulations and orders of the Railroad Commission when the same is rightfully demanded shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

"Sec. 4. Any officer, agent or servant of a railroad or other transportation company or receiver thereof who shall wrongfully issue a bill of lading with the intent to defraud any person, or who shall knowingly misdescribe any goods, articles or other property, or the quantity or amount thereof, described in any bill of lading, or who shall knowingly issue a bill of lading without authority so to do with the intent to defraud any person, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the

State penitentiary for a term not less than two years and not exceeding ten years.

"Sec. 5. Any person who shall forge the name of any agent of a railroad or other transportation company to a bill of lading, or who shall forge the name of any person to any certificate attached to a bill with the intent to defraud, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State penitentiary for a term not less than five years and not exceeding fifteen years.

"Sec. 6. The fact that there is no law in force in this State which adequately controls and regulates the issuance of bills of lading, and that the season for the movement of cotton and other crops is now at hand, creates an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring that bills shall be read on three several days, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 7 by the following vote: Yeas, 77; nays, 20.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

(Senator Brachfield in the chair.)

HOUSE BILL NO. 9.

Action recurred on House bill No. 9, the question being on the substitute amendment by Senator Senter for the amendment by Senator Cofer.

(Lieutenant Governor Davidson in the chair.)

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

House Concurrent Resolution No. 4, Providing for the removal of the remains of Stephen F. Austin to the State cemetery at Austin.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following resolution:

House Concurrent Resolution No. 4, to Committee on State Affairs.

HOUSE BILL NO. 9.

Action occurred on House bill No. 9, the question being on the substitute by Senator Senter for the amendment by Senator Cofer.

HOUSE CONCURRENT RESOLUTION NO. 4.

By unanimous consent, Senator Peeler filed the following committee report:

(Floor Report.)

Austin, Texas, September 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred House Concurrent Resolution No. 4, have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Ratliff, Ward, Cofer, Bryan, Alexander, Hume.

The above report was read, and Senator Peeler called same up and moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this resolution.

The motion prevailed by the following vote:

Yeas—24.

Adams.	Harper.
Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofer.	Kellie.

Mayfield.
Meachum.
Murray.
Paulus.
Peeler.
Ratliff.
Real.

Senter.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Ward.
Watson.
Weinert.

Absent.

Greer.
Kauffman.
Perkins.

Sturgeon.
Veale.

Absent—Excused.

Willacy.

The Chair laid before the Senate the above resolution. (See resolution above in committee report.)

On motion of Senator Peeler, the committee report, which provided that the bill be not printed, was adopted.

The resolution was read and adopted.

SPECIAL COMMITTEE — APPOINTMENT OF.

In accordance with the provisions of the above resolutions, the Chair appointed Senators Peeler and Kauffman as members of the committee on the part of the Senate.

REFUSE TO RECESS.

Senator Ratliff moved that the Senate recess until 2:30 o'clock today.

Senator Hume moved that the Senate recess until 3:30 o'clock today.

Action occurred on the longest time first, the motion to recess until 3:30 o'clock was lost by the following vote:

Yeas—8.

Bryan.
Hudspeth.
Hume.
Kellie.

Murray.
Paulus.
Terrell of McLennan.
Terrell of Wise.

Nays—16.

Adams.
Alexander.
Brachfield.
Cofer.
Harper.
Holsey.
Mayfield.
Meachum.

Peeler.
Ratliff.
Real.
Senter.
Terrell of Bowie.
Ward.
Watson.
Weinert.

Absent.

Greer.
Kauffman.
Perkins.

Sturgeon.
Veale.

Absent—Excused.

Willacy.

The motion to recess until 2:30 o'clock was then lost by the following vote:

Yeas—9.

Bryan.	Paulus.
Cofer.	Ratliff.
Harper.	Terrell of McLennan.
Kellie.	Weinert.
Murray.	

Nays—15.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of Wise.
Hume.	Ward.
Mayfield.	Watson.
Meachum.	

Absent.

Greer.	Sturgeon.
Kauffman.	Veale.
Perkins.	

Absent—Excused.

Willacy.

HOUSE BILL NO. 9.

Action recurred on the pending business, the question being on the substitute for the pending amendment, and

Senator Meachum moved the previous question on the pending amendments and the engrossment of the bill; the motion for the previous question being duly seconded, was ordered by the following vote:

Yeas—14.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Hudspeth.	Senter.
Hume.	Terrell of Bowie.
Kellie.	Watson.
Meachum.	Willacy.

Nays—10.

Bryan.	Murray.
Cofer.	Ratliff.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Mayfield.	Ward.

Absent.

Greer.	Sturgeon.
Kauffman.	Veale.
Perkins.	Weinert.

Action recurred on the substitute for Senator Senter for the amendment by Senator Cofer, and the same was adopted by the following vote:

Yeas—17.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Watson.
Kellie.	Weinert.
Meachum.	

Nays—7.

Brachfield.	Terrell of Bowie.
Cofer.	Terrell of Wise.
Mayfield.	Ward.
Ratliff.	

Absent.

Greer.	Sturgeon.
Kauffman.	Veale.
Perkins.	Willacy.

The amendment, as substituted, was then adopted.

By unanimous consent, Senator Senter offered the following amendment, which was read and adopted.

Amend the caption of the act by striking out the same and inserting in lieu thereof the following:

"A bill to be entitled 'An Act to authorize and require the Railroad Commission of Texas to adopt and prescribe forms, terms and conditions to govern the issuance of bills of lading, and to define and punish offenses relating to the fraudulent issuance of bills of lading, and to prescribe penalties for violations of the provisions hereof, and declaring an emergency.'"

The bill was read second time and passed to a third reading by the following vote:

Yeas—21.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—2.

Hume.	Terrell of Wise.
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Absent.
Greer. Sturgeon.
Kauffman. Veale.
Perkins. Willacy.
Ratliff.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams. Murray.
 Alexander. Paulus.
 Brachfield. Peeler.
 Bryan. Real.
 Cofer. Senter.
 Holsey. Terrell of Bowie.
 Hudspeth. Terrell of McLennan.
 Hume. Terrell of Wise.
 Kellie. Ward.
 Mayfield. Watson.
 Meachum. Weinert.

Absent.

Greer. Ratliff.
Harper. Sturgeon.
Kauffman. Veale.
Perkins. Willacy.

The bill was read third time, and Senator Senter offered the following amendment:

Amend the substitute offered by the Senator from Dallas by striking out all of Section 1 and substitute therefor the following:

"Section 1. It shall be the duty of the Railroad Commission of Texas to adopt and prescribe forms, terms and conditions for bills of lading covering the transportation of freight by common carriers between points in this State, and for the certification or validation, or both, of same, and to regulate and control the method and manner of their issuance, and to take all such steps as it may deem necessary to give effect to the provisions of this act."

WARD,
 SENTER.

The amendment was adopted by the following vote:

Yeas—23.

Adams. Harper.
 Alexander. Holsey.
 Brachfield. Hudspeth.
 Bryan. Hume.
 Cofer. Kellie.

Mayfield.
 Meachum.
 Murray.
 Paulus.
 Peeler.
 Real.
 Senter.
 Terrell of Bowie.
 Terrell of McLennan.
 Terrell of Wise.
 Ward.
 Watson.
 Weinert.

Absent.

Greer. Sturgeon.
Kauffman. Veale.
Perkins. Willacy.
Ratliff.

Senator Senter offered the following amendment:

Amend Section 4 by striking out the words "transportation company," in line 2 of the bill, and insert in lieu thereof the words "common carriers of freight."

The amendment was read and adopted by the following vote:

Yeas—23.

Adams. Murray.
 Alexander. Paulus.
 Brachfield. Peeler.
 Bryan. Real.
 Cofer. Senter.
 Harper. Terrell of Bowie.
 Holsey. Terrell of McLennan.
 Hudspeth. Terrell of Wise.
 Hume. Ward.
 Kellie. Watson.
 Mayfield. Weinert.
 Meachum.

Absent.

Greer. Sturgeon.
Kauffman. Veale.
Perkins. Willacy.
Ratliff.

The bill was read third time and passed by the following vote:

Yeas—21.

Adams. Paulus.
 Alexander. Peeler.
 Brachfield. Real.
 Bryan. Senter.
 Cofer. Terrell of Bowie.
 Harper. Terrell of McLennan.
 Holsey. Terrell of Wise.
 Hudspeth. Ward.
 Kellie. Watson.
 Mayfield. Weinert.
 Meachum.

Nays—1.

Hume.

Absent.
Ratliff.
Sturgeon.
Veale.
Willacy.

Greer.
Kauffman.
Murray.
Perkins.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

Senator Perkins was excused for non-attendance upon the Senate for this week on account of sickness, on motion of Senator Terrell of Bowie.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

Free-Conferece substitute for Senate bill No. 7, "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of general basis schedules, insurance rates and premiums and forms of insurance policies; providing certain conditions and limitations on insurance contracts or policies; providing for maximum insurance rates and how companies may write contracts of insurance at rates lower than the maximum rates, and the filing of statements of reduced rates with the State Insurance Board, and certified copies thereof with city secretaries and county clerks and fixing the fees of said last two officers for such service; to prevent discrimination in insurance rates or premiums except as provided in this act; to create a State Insurance Board and prescribing the duties and authority of said board and each member thereof, and fixing the salaries of the members thereof and providing for their appointment and removal; providing certain duties for and to give certain authority to the Commissioner of Insurance and Banking; appropriating money necessary to carry out the provisions of this act; providing penalties for the violation of certain provisions of this act; fixing the time when this act shall go into effect, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature and all other laws and parts of laws in conflict therewith, and declaring an emergency."

ADJOURNMENT.

Senator Terrell of Bowie moved that the Senate stand at ease, subject to call of the Chair.

Senator Meachum moved that the Senate adjourn until 10 o'clock tomorrow morning in honor of Labor Day.

Action being on the longest time first the motion to adjourn until 10 o'clock tomorrow morning was adopted by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Greer.	Sturgeon.
Kauffman.	Veale.
Murray.	Willacy.
Ratliff.	

Absent—Excused.

Perkins.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas.

Tuesday, September 6, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Sturgeon.	Willacy.
Veale.	

Absent—Excused.

Perkins.

Prayer by Rev. Dr. Godbey of Austin.
Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

SIMPLE RESOLUTION.

By Senator Watson:

Be it resolved by the Senate, That each General Law and Concurrent Resolution that was finally passed by either the Third or Fourth Special Session of the Thirty-first Legislature be printed in the Journal of the last day of this session in full as the same was finally passed and presented to the Governor for his approval and that ten (10) copies of said Journal be mailed by the Secretary of the Senate to each Senator.

The resolution was read and adopted.
Morning call concluded.

SENATE BILL NO. 12.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 12, A bill to be entitled "An Act to authorize the working of short term felony convicts on the public roads by the counties of Texas; defining who are short term convicts, and providing rules and regulations under which said convicts can be so worked."

On motion of Senator Terrell of McLennan, the bill was laid on the table subject to call.

EXCUSED.

On account of sickness:

Senator Willacy for all of this week, on motion of Senator Meachum.

On account of important business:

Senator Sturgeon for all of this week, on motion of Senator Cofer.

Senator Veale for all of this week, on motion of Senator Cofer.

AT EASE.

On motion of Senator Brachfield, the Senate was at ease, subject to the call of the Chair.

IN SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 6, Congratulating the Republic of Mexico in this, the centennial of their declaration of independence.

Also refused to concur in Senate amendments to House bill No. 9, and request the appointment of a Free Conference Committee. The following have been appointed on the part of the House: Messrs. Moller, Munson, Tarver, Looney and Cureton.

Also the following have been appointed on the part of the House under House Concurrent Resolution No. 4 to superintend the removal of the remains of Stephen F. Austin: Messrs. McKinney, Wilson and Munson.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following resolution:

House Concurrent Resolution No. 6, referred to Committee on State Affairs.

HOUSE BILL NO. 9—FREE CONFERENCE COMMITTEE ON.

Senator Senter here moved that the Senate grant the request of the House for a Free Conference Committee on House bill No. 9.

The motion prevailed, and the Chair appointed the following Free Conference Committee: Senators Senter, Harper, Meachum, Peeler and Watson.

RECESS.

Senator Terrell of McLennan moved that the Senate recess until 2 o'clock today.

Senator Hume moved that the Senate recess until 3 o'clock today.

The motion to recess until 3 o'clock was lost, and the motion to recess until 2 o'clock was adopted.

· AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

There being nothing before the Senate, on motion of Senator Brachfield, the Senate was at ease, subject to the call, of the Chair.

The Senate was called to order by Lieutenant Governor Davidson.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Hudspeth:

Resolved, That the Lieutenant Governor be authorized to pay such sum out of the contingent expense fund as in his judgment he may deem sufficient, not to exceed \$200.00, for the painting of the picture of Captain W. P. Zuber, one of the two survivors of the battle of San Jacinto, said picture being now on exhibition in the Senate Chamber.

HUDSPETH,
MEACHUM.

The above resolution was read, and on motion of Senator Hudspeth, was adopted.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, September 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 2, denouncing the Payne-Aldrich tariff law and congratulating our United States Senators, Hon. C. A. Culberson and Hon. J. W. Bailey, and our entire delegation in the Federal Congress on voting against the Payne-Aldrich tariff bill.

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Com-

missioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties: prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry on the provisions of this act, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following resolution: House Concurrent Resolution No. 2, referred to Committee on State Affairs.

SENATE BILL NO. 10.

Senator Weinert called up Senate bill No. 10, the penitentiary bill, with the following House amendments:

Amend Senate bill No. 10 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and shall be given every opportunity and encouragement in the matter of reformation.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established and all farms or camps where prisoners are kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the policy of this State to work all prisoners within the prison walls and upon farms

owned by the State, but in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farms or otherwise, or upon any other farm or place other than that owned and controlled by the State of Texas after January 1, 1914; provided, that nothing in this act shall be so construed as to prohibit working convicts on the public roads of the counties of this State under the provisions of any law now in force or that may be hereafter adopted, and under such rules and regulations as may be prescribed therefor by the Board of Prison Commissioners in pursuance with such law; provided, that all existing contracts for the labor of any prisoners in existence at the time this act takes effect shall terminate not later than January 1, 1914, and no contract for the labor of any prisoners shall be made which would extend beyond January 1, 1914; provided further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out prisoners at the earliest practical time. No member of said board shall seek a nomination for any office during the term of his appointment, nor shall either of them use his personal or official influence, either directly or indirectly, to aid any other person to secure a nomination to any office, and any member of said board who violates this provision shall be removed from office.

Sec. 4. To better carry out such policy the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, who shall hold their offices respectively for eight, sixteen and twenty-four months from the date of their appointment and qualification. In the appointment of said Commissioners first to be appointed under this act the Governor shall designate the term each one shall hold under such appointment; provided, however, that in the event of a change in the Constitution, extending the term of office of the

Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment.

Sec. 5. Each member of said commission shall within ten days after his appointment execute a bond in the sum of \$75,000, payable to the Governor of this State and his successors in office, and conditioned for the faithful performance of his duties and the strict accounting to the State of all moneys coming into his hands as such commissioner, which bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding companies, authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State. And before entering upon the duties of his office each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond.

Sec. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of \$300 per month, to be paid at the end of each month; and in addition thereto shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid out of the funds of the prison system; all such expense accounts to be itemized and sworn to in duplicate and approved by the Board of Prison Commissioners, or a majority of said board, one copy to be kept with the records of the Board of Prison Commissioners and one copy filed with the Comptroller of Public Accounts. Each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, Texas, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy free of rent the

residence houses belonging to the State at Huntsville.

Sec. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested; and any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office.

Sec. 8. That said Prison Commission shall be vested with the exclusive management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all time for the faithful enforcement of the spirit, intent, and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and if permitted, it shall be ground for removal from office.

Sec. 9. That the said Prison Commission shall have power to and it shall be their duty to appoint all necessary officers, all physicians, chaplains, teachers, and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, who shall be a competent practical accountant; and they shall require all appointees who in discharging their duties are charged with handling any funds of the system or State to execute bond in such amount as may be fixed by the Prison Commission, to be conditioned as required by law for the faithful performance of their duties.

Sec. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The Commissioners shall select one of their number as chairman. They shall designate one member to have supervision over the finances and financial transaction of the prison system, one who shall supervise the feeding, clothing, care, and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be

known and designated as the Superintendent of Parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may now or hereafter be in force in this State unless otherwise directed by law; provided, that the work of each member so designated shall be under the general supervision of, and he shall report his actions to the Prison Commission. The provisions of this section are intended to facilitate the work of the Prison Commission, and shall not be construed as relieving the full Board of Prison Commissioners of any authority or general responsibility for the management of the prison system. The Prison Commission shall keep or cause to be kept in a well bound book a minute of the proceedings of all meetings held by them.

Sec. 11. The Prison Commission shall have the authority at all times to discharge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system or for any dereliction in duty or whenever they may deem it to be for the best interest of the service. It shall be the duty of said board to immediately remove from the penitentiary service any person employed therein who shall seek for himself the nomination or election to any office, or who shall use his personal or official influence to aid any other person to secure a nomination or election to any office. Any sergeant, guard or other officer or employe of the prison system of the State who shall violate any of the provisions of this act or any rule prescribed by the Prison Commission shall immediately be dismissed from the service. But nothing in this section shall be construed as repealing or limiting any other penalty provided by law.

Sec. 12. The Prison Commission shall have the power to purchase or cause to be purchased with such funds as may be at their disposal any lands, buildings, machinery, tools or supplies for the benefit of said prison system, any may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Board of Prison Commissioners with all power and

authority necessary for the proper management of the prison system of this State.

Sec. 13. The Prison Commission shall have power, with the approval of the Governor, to purchase such land as may in their judgment be necessary in the operation of said system and the employment of prisoners confined in said prison, and in the purchase thereof they may pay such sum in cash as may be agreed upon with the vendor and for the unpaid purchase money to become due upon said land they shall execute to the vendor notes payable in such sums and at such times as may be agreed upon between the parties and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties; and may pledge a sufficient amount of the net revenue of the property so purchased to pay the deferred installments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net values so pledged and that no personal liability against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally, as well as the installments paid upon the deferred payments may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this act shall be examined, passed upon and approved as good and sufficient by the Attorney General, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this act shall be prepared, passed upon and approved by the Attorney General. The title to all land so purchased shall vest in the Prison Commission and their successors in office, as trustees for the State.

Sec. 14. The Prison Commission shall buy annually so many acres of land as will not later than January 1, 1914, or sooner if practicable, from the taking effect of this act, enable all the prisoners hired out or employed on share or contract farms and who are not otherwise employed by the State, to be employed directly on farms belonging to the prison system.

Sec. 15. There is hereby appropri-

ated out of any funds in the State Treasury not otherwise appropriated the sum of \$200,000.00, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, and ending August 31, 1911, for the purpose of carrying out the provisions of this act. Such sum hereby appropriated shall be under the control and at the disposal of the Prison Commission, as provided in this act.

Sec. 16. The Prison Commission is authorized and it shall be its duty to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fireproof, well ventilated prison buildings, providing a separate cell or room for each prisoner, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such building; also sanitary kitchens, dining rooms, hospitals, school rooms and chapels and other necessary conveniences for the benefit of the prisoners. The provisions of this section shall be carried out as rapidly as practicable so that the same shall be completed in the entire prison system within six years from the taking effect of this act.

Sec. 17. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property at such prices and on such terms as may be deemed best by them, and they may, with the approval of the Governor, sell or lease any real estate or other fixed property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall, in the purchase or sale of all real estate, or in the purchase or sale of any machinery or equipment for the prison system exceeding in value the sum of \$5000, advertise in the manner prescribed by the Prison Commission for bids for such property in at least three daily papers in this State having a general circulation, and shall give all such bids received to the public press at least thirty days before any such contract is let; provided, that the Board of Prison Commissioners are hereby prohibited from destroying or dismantling the State's iron industry at the Rusk penitentiary, but they may be required

to operate said iron industry on State account, or lease or sell it to responsible parties who will obligate themselves to operate said iron industry, and in case of such lease or sale to other parties, the State shall not lease or hire out the convicts to operate such leased plant, but the State may mine the iron ore with convict labor, and sell the same to the parties leasing or purchasing the iron industry at such price as may be agreed upon by the parties leasing or purchasing the plant and the Board of Prison Commissioners, such price to be remunerative to the State.

Sec. 18. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The treasurer shall hold such funds as bailee for the Prison Commission, which fund shall be known as the Prison Commission account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 23 of this act. The Prison Commission is hereby authorized to draw from the Prison Commission account in the State Treasury any and all sums of money necessary for the business transactions of the prison system. The Prison Commission is authorized to draw upon the Prison Commission account with the State Treasurer such sum or sums of money, and at such time or times as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars; and, provided, further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission account to be paid. On December 1st of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories and place said sum to the credit of the Prison Commission account and send deposit receipts to the Prison Commission.

Sec. 19. The Prison Commission may, at any time, issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, in order to sup-

ply any defect in the general laws of this State, or to provide such details not embraced herein, and for such contingencies as may at any time arise concerning the management of the prison system or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all underofficers, employes and all persons whomsoever, in any way connected with the State prisons or its management, or its prisoners with and without the walls. The Prison Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system and shall give a receipt therefor, and the Prison Commission shall, at least three times each year, such time to be set without notice to the ones examined, require examination of such officers, employes and guards as will ascertain their knowledge of such law, rules and regulations, and any such officer, employe or guard who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

Sec. 20. It shall be the duty of some member or members of the Prison Commission, or some person designated by the Prison Commission, to spend at least one whole day each month, without notice, at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, report upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the vari-

ous prisons, camps and farms where prisoners are kept may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 21. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiaries. Said transportation shall be on State account and in no instance shall the prisoners be carried direct from the county jails to the State farm, but shall first be carried to the penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at the penitentiary at Huntsville the Prison Commission shall cause a statement to be made by the prisoner giving a brief history of his life, and showing where he has resided, the names and postoffice addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall, by correspondence or otherwise, verify or disprove such statements, if practicable, and shall preserve the record and information so obtained for future reference.

Sec. 22. The Prison Commission shall cause to be made annually, on the 1st day of December, a full and complete inventory of all lands, buildings, machinery, tools, live stock and all other property of every description belonging to the prison system, and shall cause to be set opposite each item the book value of the same, so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system a system of books showing a separate account with each industry and farm, and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the first day of December to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report.

Sec. 23. The member of the Prison Commission designated by the board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, cor-

rect and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission from every source whatsoever, and shall sign all vouchers or warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officer or employe at stated intervals. All deposits of prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accountants and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the Prison Commission in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer one of the other Prison Commissioners may sign such receipts, warrants or vouchers.

Sec. 24. On the taking effect of this act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and Secretary of State, a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the 1st day of December of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and Secretary of State, or by a majority of said officers, for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and Sec-

retary of State renders him unfitted for said office, and in case of the discharge or resignation of any auditor another shall be appointed. During the term of his service such accountant shall be paid a monthly salary of two hundred dollars per month, and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

Sec. 25. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 26. Within a reasonable time, and not later than six months after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners, except for third-class prisoners as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

Sec. 27. The Prison Commission shall, as soon as practicable, provide at each prison, farm and camp where prisoners are kept or worked schools for the instruction of prisoners in elementary branches of the English language and industrial education, and such other instruction as they may prescribe, and shall provide suitable recreation for the prisoners, at reasonable hours, including music, and they shall employ such number of competent teachers to instruct the prisoners in the same as in the judgment of the Prison Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such school. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same. Provided, that all teachers herein provided for shall, as far as practicable, be taken from the convicts, and all teachers shall be excused from further labors. The chaplain shall be ex-

officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

Sec. 28. The Prison Commission shall provide for religious services in prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious service each month, said chaplains to devote their entire time to the religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty. Provided, that chaplains may also be teachers as provided for in this act.

Sec. 29. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office or shall become incapable or unfit to discharge his official duties or shall willfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office by quo warranto proceedings to be instituted by the Attorney General in the proper court of Travis county, under the provisions of Title 93 of the Revised Civil Statutes of 1895.

Sec. 30. The Prison Commission shall, except as provided in this act, fix the salaries of all officers and employes of the prison system upon such basis as the labor and ability of the officer or employe entitles him to, such salaries to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than \$35 per month, and to furnish them board and lodging free; provided, that for meritorious service and adaptability to the work the Prison Commission may increase the pay of any guard to an amount not to exceed \$50 per month. No person shall be employed as a guard to guard convicts who is not at least 25 years of age, of good moral character and who is not able to read and write and has a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, or opium, chloral or cannabis indica in any form, and the Prison Commission shall require all officers and employes con-

nected with the prison system to familiarize themselves with and conform to the rules, regulations and laws governing the prison system of this State; provided, that the Prison Commission shall require all officers and employees connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 31. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared under wholesome, sanitary conditions, and in sufficient quantity and reasonable variety, and they shall hold all underofficers, performing this work, strictly to account for any failure to carry out this provision. That the food may be properly prepared the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 32. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all the different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 33. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto, by expiration of sentence or otherwise.

Sec. 34. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission in addition to

the requirements of this act, to provide every reasonable and practicable means for the encouragement of such reform. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than the others, and likely to observe the laws and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of the labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible, or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make such rules and regulations for the promotion and reduction of the prisoners from one class to another and shall transfer them from one class to another from time to time as they may seem to merit promotion or reduction. The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner upon entering the prison system shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as grade No. 1, as reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as grade No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline and for demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifi-

cally for the extension or denial of privileges for the various grades herein provided. That prison discipline may be enforced the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane. But whipping with not exceeding twenty lashes on the bare rump and thighs may be resorted to with prisoners of the third class who can not be made to observe the rules by milder methods of punishment. In all cases where whipping is deemed necessary an order must be procured from such authorities to be designated by the Board of Prison Commissioners, application for order must state the nature of the offense, and what corrective measures have been used, and must be administered by the sergeant in charge in the presence of and under the control of the prison physician. The strap to be used must be of leather not over two and one-half inches wide and twenty-four inches long, attached to a wooden handle. The utmost care must be used not to break the skin, and any person guilty of whipping a prisoner other than provided above, or striking a prisoner, except in self-defense, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$250, and by imprisonment in the county jail not less than thirty days nor more than six months. White and negro prisoners shall not be worked together where it can be avoided, and shall be kept separate when not at work.

Sec. 35. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable the Prison Commission shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners and shall provide reasonable rules and regulations for the government of the same.

Sec. 36. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such that they can perform physical labor; provided that in the absence of the physician the matron shall pass upon the physical condition of said female prisoners.

Sec. 37. The Prison Commission shall also keep the white female prisoners separate and apart from the negro fe-

male prisoners, and shall select a place over said female prisoners a matron or matrons whose duty it shall be to give her personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 38. At the place where female prisoners are kept none but married men shall be employed as guards, and houses for such guards and their families shall be provided by the State in which the families of the guards shall live. And said guards shall be allowed \$10 per month in addition to his salary in lieu of his board, said houses not to be situated further than 100 yards from the main prison building where such female prisoners are kept.

Sec. 39. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until 3 years of age, when it shall be provided for as may be prescribed by the Prison Commission.

Sec. 40. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of 10 cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison he shall forfeit out of the compensation allowed under this section 25 cents per day for each day of such good time so forfeited; provided, that when such prisoner has a family or relatives within the second degree by consanguinity or affinity dependent upon him, such saving shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives, then said saving shall be paid to him upon his discharge from prison. And if he be a life term prisoner such saving may be paid as directed by him, with the approval of the Prison Commission. But if he should die in prison without such dependent relations such saving shall revert to the State.

Sec. 41. No prisoner shall be worked on Sunday except in cases of extreme necessity and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of \$1 per day for each Sunday so worked.

Sec. 42. The various provisions of this act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 43. In order to encourage prison discipline a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extensions of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term the commutation allowed for one month of such year may be forfeited; for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that date shall be forfeited, unless in case of escape the prisoner voluntarily returns to prison without expense to the State, such forfeiture may be set aside. For extra meritorious conduct on the part of any prisoner he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon.

and in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission if in their judgment his subsequent conduct entitled him thereto.

Sec. 44. Life or long-term prisoners, who having actually served fifteen years without any sustained charges of misconduct, and who shall be favorably recommended to the Governor by the Prison Commission, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such prisoner shall have the benefit of the ordinary commutation as if originally sentenced for a term of years, except the Governor should otherwise direct.

Sec. 45. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable, shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only the Prison Commission may allow the prisoner to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to prisoners to post in the dining room each Monday morning for the coming week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors except upon prescription of the physician.

Sec. 46. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission; provided, that no prisoner shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner, which shall not be less than one hour. In going to and returning from their work the prisoners shall not be required to travel faster than

a walk. No greater amount of labor shall be required of any prisoner than his physical health and ability will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until having first been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 47. Prisoners who have been reported by the physician or other officer in charge, as in a condition of health which requires their removal to some other place, shall be accordingly promptly removed.

Sec. 48. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of a prisoner or received by him at any time it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of a prisoner's money who misappropriates the same or any part thereof shall be guilty of a felony and upon conviction thereof shall be confined in the State penitentiary for a term of not more than five years.

Sec. 49. If any prisoner shall die while in prison the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of the same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the Prison Commission out of any available penitentiary funds on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown such prisoner shall be decently buried in citizen's clothes and the grave marked by a stone with the name of said prisoner, date of death and age, if known, inscribed thereon. If the body of such

prisoner is not claimed by the relative the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners and certified copies of the same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section, who shall fail to discharge such duties shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

Sec. 50. The Prison Commission or other person in charge of prisoners upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died of the death of such prisoner, and it shall be the duty of such justice of the peace when so notified of the death of such prisoner to go in person and make a personal examination of the body of such prisoner and inquire into the cause of the death of such prisoner, and said justice of the peace shall reduce to writing the evidence taken during such inquest and shall furnish a copy of the same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died, and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury, if there should be any suspicion of wrongdoing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner who shall fail to immediately notify a justice of the peace of the death of such prisoner shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and by confinement in the county jail not less than sixty days nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be paid

on sworn account therefor approved by the Prison Commission.

Sec. 51. The Prison Commission shall provide for competent medical attention for all prisoners and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. But in no case shall the physician or physicians allow the prisoners to use opium, chloral or cannabis indica except upon prescription of such physician, nor shall any one connected with the prison permit the use of the above drugs by the prisoners except upon a prescription of a physician connected with the prison. The physicians so employed shall be reputable practicing physicians of not less than two years' experience in practice. Each physician employed in the prison system shall at the end of each month file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the name, race and sex of each prisoner treated or examined by him during said month, the malady or disease with which each was afflicted and if any shall be suffering with wounds or injuries inflicted by accident or some individual he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters and the condition of each prisoner treated or examined by him during said month as he may possess; provided further, that for failure to make such report or for any false statement knowingly made by any such physician in any such report he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 52. The Prison Commission shall also provide a competent dentist or dentists, whose duty it shall be to care for the teeth of the prisoners, such dentist or dentists shall, at the direction of the Prison Commission, visit the various places where prisoners are kept or worked at such intervals as may be prescribed.

Sec. 53. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission with seal affixed, signed by the Chairman of the Board of Prison Commissioners and giving the prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if

any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of good quality and fit, two suits of underwear, five dollars in money in addition to any money that may be to his credit and unredeemable and non-transferable railroad transportation to the nearest depot from whence sentenced, or equal distance in any other direction.

Sec. 54. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the prisoners apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 55. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner as may be fixed by the Prison Commission, and to be paid as directed by the Prison Commission.

Sec. 56. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing or other property belonging to or under control of the prison system, shall be guilty of theft, and shall, upon conviction, be punished as prescribed by law.

Sec. 57. Any officer, agent or employe in any capacity connected with the prison system of this State who shall be financially interested either directly or indirectly in any contract for the furnishing of supplies or property to the prison system, or the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 58. Any sergeant, guard or

other officer or employe of the prison sytem of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system shall be guilty of an assault and upon conviction thereof shall be punished as prescribed by law. It shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner; provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner prisoners and ex-prisoners shall be permitted to testify.

Sec. 59. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaged in or willfully permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 60. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of three hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum hereby appropriated shall be under control and at the disposal of the Prison Commission as provided in this act.

Sec. 61. Chapters 1, 2, 3, 4, 5, 6, 7 and 8, Title 79 of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith, are hereby repealed.

Sec. 62. The fact that there is urgent demand for a general revision of the laws governing the penitentiaries of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Strike out all before the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide

rules and regulations for the government and conduct of such prison system; to restrict corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties, and authority; to provide for the purchase or sale of real estate by the Prison Commissioners; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Amend Senate bill No. 10, page 2. Section 4, line 17, by inserting after the word "Senate" the following: "if the Legislature is in session."

The bill and amendments were laid before the Senate, and Senator Weinert moved that the reading of the amendments be dispensed with.

Senator Weinert moved that the Senate do not concur in the House amendments, and request a Free Conference Committee.

Senator Terrell of McLennan moved as a substitute that the Senate do not concur in the House amendments, and request a Conference Committee.

Action recurred on the substitute motion first, and the same was lost.

The motion to non-concur and request a Free Conference Committee was adopted.

The Chair (Lieutenant Governor Davidson) immediately appointed the following as the Free Conference Committee: Senators Weinert, Hudspeth, Murray, Senter and Ward.

HOUSE CONCURRENT RESOLUTION NO. 6—ADOPTION OF.

By unanimous consent, Senator Peeler offered the following committee report:

(Floor Report.)

Austin, Texas, September 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred House Concurrent Resolution No. 6. as follows:

Whereas, Our neighbor republic, the United States of Mexico, will cele-

brate the centennial of its declaration of independence from the Spanish government on the 15th and 16th of September of this year; and

Whereas, There exists a most cordial and friendly relation between this great republic and its sister republic, the United States of America, as evidenced by the fact that the republic of Mexico has given the representative from the United States of America at said centennial the place of honor; therefore,

Be it resolved by the House of Representatives of the Thirty-first Legislature of the State of Texas, the Senate concurring, That the people of Texas send to their brethren, the people of the Republic of Mexico, their most cordial greetings and sincere congratulations in this the centennial of their declaration of independence, and also for the heroic deeds achieved by the Mexican patriots under the leadership of that most noble hero and patriot priest, Don Miguel Hidalgo y Costilla, one of the world's greatest liberators, which deeds are prominently written on the most inspiring page of history of national liberty; and the people of Texas further congratulate the people of Mexico for the wonderful development and progress they have achieved as a nation, and for the great success of their government, as well as for their contribution to science and civilization, and their lavish charity bestowed upon our city of Galveston when in distress in the year 1900.

Be it further resolved, That a copy of this resolution, signed by the Governor of the State and duly attested by the Secretary of State, under the great seal of the State, be sent by the Secretary of State to the President of the United States of Mexico,

Have had the same under consideration, and beg to report same back to the Senate, with the recommendation that it do pass, and be not printed.

PEELER, Chairman,
ALEXANDER,
HUME,
COFER,
WARD,
RATLIFF.

The above report was read, and on motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this resolution, by the following vote:

Yeas—21.

Adams.

Alexander.

Brachfield.
Cofer.
Harper.
Holsey.
Hudspeth.
Kauffman.
Kellie.
Meachum.
Murray.
Paulus.

Peeler.
Ratliff.
Senter.
Terrell of Bowie.
Terrell of McLennan.
Terrell of Wise.
Ward.
Watson.
Weinert.

Absent.

Bryan.
Greer.
Hume.

Mayfield.
Real.

Absent—Excused.

Perkins.
Sturgeon.

Veale.
Willacy.

On motion of Senator Cofer, the committee report, which provided that the resolution be not printed, was adopted.

The resolution was then, on motion of Senator Cofer, adopted.

Senator Cofer moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

AT EASE.

On motion of Senator Kellie, the Senate was at ease, subject to the call of the Chair.

IN SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 6, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate bill No. 10, and the following have been appointed on the part of the House: Messrs. Gilmore, Stamps, Looney, Caves and Goodman.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

The Senate was again at ease, and was called to order at 4:30 o'clock p. m. by Lieutenant Governor Davidson.

VOTE RESCINDED.

Senator Hudspeth moved to rescind the vote by which the Senate refused to concur in the House amendments to Senate bill No. 10, and a Free Conference Committee requested.

The motion prevailed.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) then referred, after its caption had been read, the following bill (see Third House Message for report on):

House substitute for Senate bill No. 10, referred to Committee on State Penitentiaries.

The Senate was again at ease, subject to the call of the Chair, and at 5:10 o'clock p. m. was again called to order by Lieutenant Governor Davidson.

HOUSE SUBSTITUTE FOR SENATE BILL NO. 10.

Senator Weinert offered the following committee report by unanimous consent:

Committee Room,

Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

House substitute for Senate bill No. 10, A bill to be entitled "An Act to establish prison system and declaring the policy of the State with reference thereto; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duty and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79, of the Revised Statutes of 1895, and all laws or parts of laws in conflict with this act; making an appro-

priation to carry out the provisions of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be not printed, with the following committee amendments: Strike out all the bill after the words "A bill" and insert in lieu thereof the following:

To Be Entitled

An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and shall be given opportunity, encouragement and training in the matter of reformation.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are or may be kept or worked, together with

all property of every character belonging thereto or connected therewith.

Sec. 3 It is hereby declared the policy of this State to work all prisoners within the prison walls, and upon farms owned by the State, and in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares, or upon any other farm or place other than that owned and controlled by the State of Texas, after January 1, 1914; provided, that all existing contracts for prison labor in existence at the time this act takes effect shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914; provided further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out of prisoners at the earliest practicable time.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purpose of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men, to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, whose term of office shall expire on the 20th day of January, 1911; provided, however, that in the event of a change in the Constitution extending the term of office of the Prison Commissioners, the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot, or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment.

Sec. 5. Each member of said Commission shall, within ten days after his appointment, execute a bond with two or more good and sufficient sureties, in the sum of seventy-five thousand dollars, payable to the Governor of this State and his successors in office, and conditioned for the faithful performance of his duties and the strict accounting to the State of all moneys coming into his hands as such Commissioner, the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon

approved by and the same shall be filed with the Secretary of State. And before entering upon the duties of his office each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis county for the forfeiture and collection of said bond.

Sec. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of three hundred dollars per month, to be paid at the end of each month; and in addition thereto he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid together with said salary out of the funds of the prison system, all such expense accounts to be itemized and sworn to in duplicate and approved by the Chairman of the Board of Prison Commissioners, one copy to be kept with the records of the Board of Prison Commissioners and one copy filed with the Comptroller of Public Accounts. Each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy the residence houses belonging to the State at Huntsville.

Sec. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office, and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested. And any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office.

Sec. 8. That said Prison Commission shall be vested with the exclusive management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the

spirit, intent and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and, if permitted, it shall be grounds for removal from office.

Sec. 9. That the said Prison Commission shall have power to and it shall be their duty to appoint all necessary officers, all physicians, chaplains, teachers, and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, and they shall require all appointees, who, in discharging their duties, are charged with handling any funds of the system or State, to execute bond in such amount as may be fixed by the Prison Commission, to be conditioned as required by law for the faithful performance of their duties.

Sec. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The Commissioners shall select one member as chairman and shall designate one member to have supervision over the finances and financial transactions of the prison system, one who shall supervise the feeding, clothing, care and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be known and designated as the superintendent of parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may be now or hereafter in force in this State, unless otherwise directed by law. Provided, that each member so designated shall report his actions to the Prison Commission. The provisions of this section are intended to facilitate the work of the Prison Commission and shall not be construed as releasing the full board of the Prison Commissioners any authority or general responsibility for the management of the prison system. The Prison Commission shall keep or cause to be kept in a well bound book a minute of the proceedings of all meetings held by them.

Sec. 11. The Prison Commission shall have the authority at all times to discharge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system, or for any dereliction in duty, or whenever they may deem it to be for the best interests of the service.

Sec. 12. The Prison Commission shall have the power to purchase or cause to

be purchased with such funds as may be at their disposal, any lands, buildings, machinery, tools and supplies for the benefit of said prison system, and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Board of Prison Commissioners with all power and authority necessary for the proper management of the prison system of this State.

Sec. 13. The Prison Commission shall have power with the approval of the Governor to purchase such land as may, in their judgment, be necessary in the operation of said system, and the employment of prisoners confined in said prison, and in the purchase thereof, they may pay such sum in cash as may be agreed upon with the vendor, and for the unpaid purchase money to become due upon said land, they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties, and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon, and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged, and that no personal liability against the Prison Commission or the State of Texas, shall arise out of said transaction beyond said liens; and the purchase money paid originally as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this act shall be examined, passed upon and approved as good and sufficient by the Attorney General, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall rest in the

Prison Commission and their successors in office, as trustees for the State.

Sec. 14. The Prison Commission shall buy annually so many acres of land as will in four years, or sooner if practicable (from the taking effect of this act), enable all the prisoners hired out or employed on share or contract farms, and who are not otherwise employed by the State, to be employed directly on farms belonging to the prison system.

Sec. 15. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of five hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum hereby appropriated shall be under control and at the disposal of the Prison Commission, as provided in this act; provided, that not more than \$200,000 of the amount herein appropriated shall be expended prior to February 1, 1911. And the remaining three hundred thousand dollars shall not be expended until after said date, nor shall the Board of Prison Commissioners holding office prior to February 1, 1911, incur any obligations to be paid out of said sum of three hundred thousand dollars.

Sec. 16. The Prison Commission is authorized and it shall be its duty to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fireproof, well ventilated prison buildings, providing a separate cell or room for each prisoner, as far as conditions and the welfare of the prisoner demands, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining room, hospitals, school rooms and chapels, and other necessary conveniences for the benefit of the prisoners. The provisions of this section shall be carried out to completion as rapidly as is practicable so that the same shall be completed in the entire prison system within six years from the taking effect of this act.

Sec. 17. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property, at such prices and on such terms as may be deemed best by them, and they may, with the approval of the

Governor, sell or lease any real estate or other fixed property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall in the purchase or sale of all real estate, or in the purchase or sale of any machinery or equipment for the prison system exceeding in value the sum of \$5000, advertise in the manner prescribed by the Prison Commission, for bids for such property in at least three daily papers in this State having a general circulation and shall give all such bids received to the public press at least 30 days before any such contract is let.

Sec. 18. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the Prison Commission, which fund shall be known as the Prison Commission Account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 23 of this act. The Prison Commission is hereby authorized to draw from the Prison Commission Account in the State Treasury any and all sums of money necessary for the business transactions of the prison system. The Prison Commission is authorized to draw upon the Prison Commission Account with the State Treasurer, such sum or sums of money and at such time, or times, as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars, and provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission Account to be paid. On December 1st of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the Prison Commission Account and

send deposit receipt to the Prison Commission.

Sec. 19. The Prison Commission may at any time issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, and for such contingencies as may at any time arise concerning the management of the prison system or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all underofficers, employes, and all persons whomsoever in any way connected with the State prisons or its management, or its prisoners within and without the walls. The Prison Commission shall have all laws, rules, and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employes and guards as will ascertain the knowledge of such law, rules and regulations, and any such officer, employe or guard, who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

Sec. 20. It shall be the duty of some member or members of the Prison Commission to spend at least one whole day each month at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and

punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept, may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 21. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiaries at Huntsville by the sheriffs of such respective counties if such sheriffs are willing to perform such services as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville where the character of labor which each prisoner may reasonably perform shall be determined.

Sec. 22. The Prison Commission shall cause to be made annually, on the 1st day of December, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description, belonging to the prison system, and shall cause to be set opposite each item, the book value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system, a system of books showing a separate account with each industry and farm and for the system as a whole, showing the losses, profits, and net earnings of each industry and farm connected with the system and shall make a report of the same annually on the 1st day of December, to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system and the methods of dealing with the convicts thereof.

Sec. 23. The member of the Prison Commission designated by the board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, cor-

rect and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission for every source whatsoever, and shall sign all vouchers or warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officer or employe at stated intervals. All deposits of prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accounts and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the Prison Commission, in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer, one of the Prison Commissioners may sign such receipts, warrants or vouchers.

Sec. 24. On the taking effect of this act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and Secretary of State, a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the 1st day of December of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and Secretary of State, for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and Secretary of State renders him unfitted for said office, and in case of the dis-

charge or resignation of any auditor another shall be appointed. During the term of his service such accountant shall be paid a monthly salary of two hundred dollars per month and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

Sec. 25. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 26. Within a reasonable time, and not later than six months after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

Sec. 27. The Prison Commission shall, as soon as practicable, provide at each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language and industrial education, music and such other instruction as they may prescribe, and they shall employ such number of competent teachers to instruct the prisoners in the same as in the judgment of the Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such school. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same.

Sec. 28. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to religious and moral learning and education of the prisoners under

their care, teaching them the principles and practice of every Christian and moral duty; providing that chaplains may also be teachers as provided for in this act.

Sec. 29. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office or shall become incapable or unfit to discharge his official duties, or shall willfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by Article 3528, Revised Statutes of 1895.

Sec. 30. The Prison Commission shall, except as provided in this act, fix the salaries of all officers and employes of the prison system upon such basis as the labor and ability of the officer or employe entitles him to, such salary to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than thirty-five dollars per month; provided, that for meritorious service and adaptability to the work, the Prison Commission may increase the pay of any guard to an amount not to exceed fifty dollars per month. No person shall be employed as a guard to guard convicts who is not of good moral character and who is not able to read and write and has not a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the Prison Commission shall require all officers and employes connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the Prison Commission shall require all officers and employes connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 31. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared, under wholesome, sanitary conditions and in sufficient quantity and reasonable variety, and they shall hold all underofficers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison

Commission shall provide for the training of prisoners as cooks.

Sec. 32. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 33. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept, they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence or otherwise.

Sec. 34. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission in addition to the requirements of this act, to provide every reasonable and practicable means for the encouragement of such reform. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than the others, and likely to observe the laws and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be

employed. In the third class shall be included those appearing to be incorrigible, or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another and shall transfer them from one class to another from time to time as they may seem to merit promotion or reduction.

The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner upon entering the prison system shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline and for demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided.

That prison discipline may be enforced the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, but whipping and placing prisoners in stocks shall be prohibited. When not at work, white and negro prisoners shall be kept separate.

Sec. 35. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable the Prison Commissioner shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners and shall provide reasonable rules and regulations for the government of the same.

Sec. 36. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the matron over such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoner is such they they can perform physical labor. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 37. The Prison Commission shall also keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners.

Sec. 28. At the place where female prisoners are kept, none but married men shall be employed as guards and the houses for such guards and their families shall be provided by the State in which the families of the guards shall live, said houses not to be situated further than 100 yards from the main prison building where such female prisoners are kept.

Sec. 39. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

Sec. 40. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of 10 cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this section 25 cents per day for each day of such good time so forfeited; provided, that when such prisoner has a family or relatives within the second degree by consanguinity or affinity, dependent upon him, such saving shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives, then said saving shall be paid to him upon his discharge from prison.

Sec. 41. No prisoner shall be worked on Sunday except in cases of extreme

necessity, and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of \$1 per day for each Sunday so worked.

Sec. 42. The various provisions of this act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 43. In order to encourage prison discipline a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term the commutation allowed for one month of such year may be forfeited, for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape, the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison

Commission. For extra meritorious conduct on the part of any prisoner, shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 44. Hereafter life or long-term prisoners who have actually served fifteen years and have no sustained charge of misconduct and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation as if originally sentenced for a term of years, except the Governor shall otherwise direct; provided, however, that all convicts in this State, who had prior to September 1, 1910, been convicted and confined in the penitentiary of this State for a term of fifteen years or more, and are now so confined shall, upon the taking effect of this act, be paroled by the Board of Prison Commissioners, and shall be allowed to go upon parole outside the buildings and jurisdiction of the penitentiary authorities; provided, however, that the provisions of this act shall apply to all convicts except those convicted of rape or assault to rape, those convicts who have heretofore been convicted of a felony in this State more than twice; and provided further, that should any convict paroled under this act be hereafter convicted in the courts of this State of any felony and sentenced to the penitentiary of this State, that said convict shall forfeit all of the rights of said convict as herein provided for, and shall hereafter be treated as an escaped convict, owing service to the State, and shall be liable, when so convicted, to serve out the unexpired period of time of his sentence originally entered against him, and the time from the date of his parole to the date of his subsequent conviction shall not be counted as any part or portion of the time served.

Sec. 45. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious

conduct only, the Prison Commission may allow the prisoner to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining room each Monday morning for the coming week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 46. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission, provided that no prisoner shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner which shall not be less than one hour. And in case of such extreme and unavoidable emergency said prisoner shall receive out of the funds of the prison system the sum of 10 cents per hour for such work so performed more than ten hours per day. In going to and returning from work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor at the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until first having been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 47. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place, shall be accordingly removed.

Sec. 48. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed

to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of a prisoner's money who misappropriates the same or any part thereof, shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary for a term of not more than five years.

Sec. 49. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried and the grave marked by a board with the name of said prisoner, date of death, age, if known, and the county from which sentenced inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section, who shall fail to discharge such duties, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

Sec. 50. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under his care and control, shall at once notify the nearest justice of the peace, and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and said justice of the peace shall reduce to writing the evidence taken during such inquest and shall furnish a copy of the

same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died, and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury if there should be any suspicion of wrong-doing shown by the inquest papers to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year.

Sec. 51. The Prison Commission shall provide for competent medical attention for all prisoners and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in practice. Each physician employed in the prison system shall at the end of each month file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the name, color and sex of each prisoner treated, or examined by him during said month, the malady or disease with which each was afflicted, and if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said months, as he may possess; provided further, that for a failure to make such report or any false statement knowingly made by any such physician in any such report he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 52. The Prison Commission shall also provide a competent dentist or dentists, whose duty it shall be to care for the teeth of the prisoners; such dentist or dentists shall at the direction of the Prison Commission visit the various

places where prisoners are kept or worked at such intervals as may be prescribed.

Sec. 53. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed, signed by the Chairman of the Board of Prison Commissioners, giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of reasonably good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit and unredeemable and non-transferable railroad transportation to the nearest depot from whence sentenced; but, if such prisoner prefers, he may receive such transportation to any other point in this State designated by him.

Sec. 54. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 55. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner, not exceeding one hundred dollars, exclusive of expense of delivery, as may be fixed by the Prison Commission and to be paid as directed by the Prison Commission.

Sec. 56. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing, or other property belonging to or under control of the prison system, shall be guilty of theft and upon conviction be punished as prescribed by law.

Sec. 57. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall be financially interested either directly or indirectly in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested

in any contract to which said prison system is a party or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 57a. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall purchase any supplies or any property for the prison system, or shall make any contract for furnishing supplies or property for the prison system, or shall sell any State property to, or shall make any other kind of a contract for said prison system with any person who is related to said officer, agent or employe by affinity within the second degree or by consanguinity within the third degree shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 58. Any sergeant, guard or other officer or employe of the prison system of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system shall be guilty of an assault and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner. In all cases, civil and criminal, a convict, whether serving term in prison or after such imprisonment shall have terminated, shall be a competent witness, and when so testifying, evidence shall be admissible to show that such witness is or was a convict, and the nature of the offense of which he was convicted.

Sec. 59. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 60. The Prison Commission shall provide a seal whereon shall be en-

graved in the center a star of five points and the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all official acts.

Sec. 61. The Prison Commission by, and with the consent of the Governor, shall have the power to work convicts on public works, when they can not employ them on the State farms or in the walls by reason of some unforeseen calamity, such as a failure of crops, or the destruction of crops by wind or flood. When convicts are worked on public works owned by the State or a subdivision of the State, the humane provision of this act shall be strictly complied with.

Sec. 62. Chapters 1, 2, 3, 4, 5, 6, 7 and 8, Title 79 of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 63. The fact that there is urgent demand for a general revision of the laws governing the penitentiaries of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is enacted.

WEINERT, Chairman.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading for the purpose of considering the above bill by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Bryan.	Hume.
Greer.	Ratliff.

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill, by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Bryan.	Hume.
Greer.	Ratliff.

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

On motion of Senator Weinert, the committee report, with amendments and which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading, House substitute for Senate bill No. 10, the penitentiary bill. (See above committee report for caption of bill.)

Bill read second time, and passed to a third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Bryan.	Hume.
Greer.	Ratliff.

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Bryan.	Hume.
Greer.	Ratliff.

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 5:25 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, September 5, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Free Conference Committee substitute for Senate bill No. 7, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

F. C. C. S. for S. B. No. 7.

An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire, may transact business in the State of Texas and providing for the making, promulgation, regulation and control of general basis schedules, insurance rates and premiums and forms of insurance policies; providing certain conditions and limitations on insurance contracts or policies; providing for maximum insurance rates and how companies may write contracts of insurance at rates lower than the maximum rates and the filing of statements of reduced rates with the State Insurance Board and certified copies thereof with city secretaries and county clerks and fixing the fees of said last two officers for such service; to prevent discrimination in insurance rates or premiums except as provided in this act; to create a State Insurance Board and prescribing the duties and authority of said board and each member thereof and fixing the salaries of the members thereof and providing for their appointment and removal; providing certain duties for and to give certain authority to the Commissioner of Insurance and Banking; appropriating money necessary to carry out the provisions of this act; providing penalties for the violation of certain provisions of this act; fixing the time when this act shall go into effect and repealing Chapter 18, of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature and all other laws and parts of laws in conflict therewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every fire insurance company, every marine insurance company, every fire and marine insurance company, every fire and tornado insurance company, and each and every insurance company of every kind and name issuing a contract or policy of insurance, or contracts or policies of insurance against loss by fire on property within this State, whether such property be fixed or movable, stationary or in transit, or whether such property is consigned or billed for shipment within or beyond the

boundary of this State or to some foreign country, whether such company is organized under the laws of this State or under the laws of any other State, Territory or possession of the United States, or foreign country, or by authority of the Federal government, now holding a certificate of authority to transact business in this State, or hereafter granted authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder, upon condition that it consents to the terms and provisions of this act and that it agrees to transact business in this State subject thereto; it being intended that every contract or policy of insurance against the hazard of fire shall be issued in accordance with the terms and provisions of this act, and the company issuing the same governed thereby, regardless of the kind and character of such property and whether the same is fixed or movable, stationary or in transit, including the shore end of all marine risks insured against loss by fire.

Sec. 2. That there may be reasonable and just insurance rates in Texas, there is hereby created a board to be known as the "State Insurance Board," which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and two members who shall be appointed by the Governor by and with the consent of the Senate, subject to removal as provided for removal of State officers by Article 3528, of the Revised Statutes of Texas; the members of said board other than the Commissioner of Insurance and Banking shall be appointed as herein provided within ten days after this act takes effect; one of said members to be so appointed shall be appointed for a term ending February 1, 1911, and biennially thereafter; the other of said members of said board shall be appointed for a term ending February 1, 1912, and biennially thereafter, and the Governor in making his first appointments to fill these respective offices shall designate which of said officers shall fill the term expiring February 1, 1911, and which of said officers shall fill the term expiring February 1, 1912. The Commissioner of Insurance and Banking, for the purpose of this act, may be referred to as the Commissioner of Insurance.

Sec. 3. The members of said board other than the Commissioner of Insurance and Banking, shall each receive as

compensation for their services the sum of twenty-five hundred dollars per annum; and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act, the sum of five hundred dollars per annum in addition to his compensation as now fixed by law. Such salaries of the said two appointed members of said board and the said five hundred dollars salary of the Commissioner of Insurance and Banking, together with the necessary compensation of experts, the clerical force, and other persons employed by said board, and all necessary traveling expenses, and such other expenses as may be necessary, incurred in carrying out the provisions of this act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer upon the order of said board; provided, that the total amount of all salaries and said other expenses shall not exceed the sum of twenty-five thousand dollars annually; and for the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, and ending August 31, 1911.

Sec. 4. The State Insurance Board shall have the power and authority and it shall be its duty to prescribe, fix, control and regulate rates of fire insurance, as provided in this act. It shall make and prescribe general basis schedules, together with rules and regulations for determining maximum specific rates therefrom, and furnish each insurance company now doing business in this State, or which may hereafter be granted a certificate of authority to do business in this State, a copy of such general basis schedules; and the said board shall also have authority to alter or amend such general basis schedule in accordance with the provisions of this act. Said board shall also supervise, control and regulate rates of insurance, and shall have authority to alter and revise and to raise and lower such rates, and to alter and revise, raise and lower such general basis schedules or any part thereof, and decide all questions required, authorized or permitted to be passed upon by said board under the provisions of this act. Said board shall also have authority to employ clerical help, experts, inspectors, and such other assistants, and to incur such other ex-

penses as may be necessary in carrying out the provisions of this act not to exceed the sum of \$25,000 per annum, including salaries of the members of the board and all other expenses to be paid out of the State Treasury.

It shall be the duty of said board to ascertain as soon as practicable the annual fire loss in this State; to obtain to make and maintain a record thereof, and collect such data and information with respect thereto as will enable said board to classify the fire losses of the State, the causes thereof and the amount of premiums collected thereon for each class of risks and the amount paid thereon, in such manner as will be of assistance in determining equitable insurance rates, methods of reducing such fire losses, and reducing the insurance rates of the State.

Sec. 5. For the purpose of facilitating the work of said board, one of the appointed members thereof shall be selected by the board as its secretary. He shall perform the duties which shall appertain to that position, and whose official title shall be "Secretary of the State Insurance Board;" the other of said appointed members thereof shall be selected by said board as fire marshal of the State Insurance Board and his official title shall be "Fire Marshal of the State Insurance Board;" but the said members so selected as secretary and fire marshal as aforesaid, shall receive no compensation for filling their respective positions other than their salaries as members of the State Insurance Board, and shall perform the duties of these respective positions at the will of the board but their expenses incurred in performing the duties of these positions shall be paid as provided in this act.

Sec. 6. It shall be the duty of the fire marshal of the State Insurance Board, who, for the purpose of this act, may be referred to as the State Fire Marshal, at the discretion of the board and upon the request of the mayor of any city or village, or the chief of a fire department of any city or village; or any fire marshal where a fire occurs within such city or village; or of a county or district judge; or of the sheriff or county attorney of any county where a fire occurs within the district or county of the officer making such request; or of any fire insurance company, or its general, State or special agent, interested in a loss; or of a policyholder sustaining a loss; or upon the direction of the State Insurance Board to

forthwith investigate at the place of such fire, the origin, cause and circumstances of any fire occurring within this State, whereby property has been destroyed or damaged, and shall ascertain if possible whether the same was the result of an accident, carelessness or design, and shall make a written report thereof to the State Insurance Board; and shall also furnish in writing to the county or district attorney of the county in which such fire occurred all the information and evidence obtained by him, including a copy of all the pertinent testimony taken in the case.

Sec. 7. The State Fire Marshal shall have the power to administer oaths, take testimony, compel the attendance of witnesses and the production of documents, and to enter at any reasonable time, any buildings or premises where a fire has occurred or is in progress, or any place contiguous thereto for the purpose of investigating the cause, origin and circumstances of such fire. And he may enter and examine at any reasonable time any building, structure or place for the purpose of ascertaining the fire hazard, and may remove or require the owner or occupant to remove or safely store combustible material, dangerously exposed or improperly placed therein, and to remove any unnecessary exposure to fire hazard found therein; the said State Fire Marshal is hereby authorized, when necessary, to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this section, and in such case he shall not be required to give bond.

Sec. 8. If for any reason the State Fire Marshal is unable to make any required investigation in person he may designate the fire marshal of such city or town, or some other suitable person to act for him; and such person so designated shall have the same authority as is herein given the State Fire Marshal with reference to the particular matter to be investigated by him, and shall receive such compensation for his services as may be allowed by the State Insurance Board. If the investigation of a fire is made at the request of an insurance company or at the request of a policy holder sustaining loss, or at the request of the mayor, town clerk or chief of the fire department of any city, village or town in which the fire occurred, then the expenses of the Fire Marshal, clerical expenses, witnesses and officers' fees incident and necessary

to such investigation shall be paid by such insurance company, or such policy holder or such city or town as the case may be; otherwise the expenses of such investigation are to be paid as part of the expenses of the State Insurance Board. Provided, the party or parties, company or companies requesting such investigation shall before such investigation is commenced deposit with the State Insurance Board an amount of money in the judgment of said board sufficient to defray the expenses of said Fire Marshal in conducting such investigation.

Sec. 9. No action taken by the State Fire Marshal shall effect the rights of any policy holder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any such investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by any insurance company, its officers, agents or adjusters, nor by any policy holder or any one representing him, made with reference to the origin, cause or supposed origin or cause, of a fire, to the Fire Marshal or to any one acting for him or under his directions, be admitted in evidence or made the basis for any civil action for damages.

Sec. 10. The said board is authorized and empowered to require sworn statements from any insurance company affected by this act and from any of its officers, directors, representatives, general agents, State agents, special agents and local agents of the rates and premiums collected for fire insurance on each class of risks, on all property in this State during any or all years for the five years next preceding the 1st day of January, 1910, and of the causes of fires, if such be known, if they are in possession of such data and information, or can obtain it at a reasonable expense; and said board is empowered to require such statements for any period of time after the 1st day of January, 1910; and said board is empowered to require such statements showing all necessary facts and information to enable said board to make, amend and maintain the general basis schedules provided for in this act, and the rules and regulations for applying same and to determine reasonable and proper maximum specific rates and to determine and assist in the enforcement of the provisions of this act. The said board shall also have the right, at its discretion, either personally or by some

one duly authorized by it to visit the offices whether general, local or otherwise, of any insurance company doing business in this State, and the home office of said company outside of this State, if there be such, and the office of any officers, directors, general agents, State agents, local agents or representatives of such company, and there require such company, its officers, agents or representatives to produce for inspection by said board or any of its duly authorized representatives, all books, records and papers of such company or such agents and representatives; and the said board or its duly authorized agents or representatives shall have the right to examine such books and papers and make or cause to be made copies thereof; and shall have the right to take testimony under oath with reference thereto, and to compel the attendance of witnesses for such purpose; and any company, its officers, agents or representatives failing to make such statements and reports herein referred to and failing or refusing to permit the examination of books, papers and records as herein required when so called upon, or declining or failing to comply with any provision of this section shall be subject to the penalties provided for in Section 25 of this act.

Sec. 11. Immediately upon the taking effect of this act, or as soon thereafter as practicable, said board is empowered and it is hereby made its duty, to prepare a system of general basis schedules, together with rules for applying the same, for determining fire insurance rates on property in this State; the said general basis schedules and the rules for applying the same to be at all times reasonable; the said board may employ and use any facts and information now in the possession of or in the records of the present State Fire Rating Board, as well as all facts obtainable from and concerning fire insurance companies transacting business in this State, showing the experience of said companies, and charges for premiums on fire insurance, and generally as to the transaction of their said business during the years named in Section 10 of this act or during any other period of time, in order to devise and fix reasonable general basis schedules and rules for applying the same for determining the maximum specific rates. The said board in preparing such general basis schedules showing the rates on

all classes or risks insurable by any company in this State, shall show all charges, credits, terms, privileges and conditions which in any wise affect such rates or the application of such rates to specific risks or the cost of insurance; provided, that such schedules and the rules for applying the same shall be furnished by said board to any and all insurance companies affected by this act applying therefor; and the same shall be furnished to any citizen of this State applying therefor upon the payment of the actual cost thereof; that such general basis schedules, and the rules prescribed with reference thereto shall not take effect until said board shall have entered an order or orders fixing the same, and shall have given notice to all insurance companies affected by this act, authorized to transact business in this State.

Sec. 12. It is further provided that after the adoption and promulgation of the general basis schedules and the rules and regulations for applying the same, as herein provided for by the board, every insurance company writing fire insurance policies within this State shall, within a reasonable time, file with the State Insurance Board its application of said general basis schedules to the specific risks of the State, and the specific rates obtained thereby in accordance with the several provisions of this act; and provided further, that any one or more insurance companies may employ for the application of such general basis schedules and the making of such specific rates, the service of such experts as they may deem advisable for such purpose, but the contract or contracts of employment of such experts shall first be submitted to the State Insurance Board for its approval; provided, further, that the State Insurance Board shall have authority, and it shall be the duty of said board, personally or by its agents, to inspect and supervise the work of said experts in the application of said general basis schedules in the determination of specific rates; which rates shall be the maximum insurance rates that may be charged for insurance in this State; provided, further, that any company may write insurance at a lower rate than the maximum on any risk or class of risks in any particular locality; and provided, further, that any company making any such reduction shall forthwith file with the State Insurance Board a statement of such reduction, showing

the maximum rate and the reduced rate thereon, such statement to be on forms prescribed by the board and signed by the State or general agent of such company, which statement when so filed, shall be subject to the inspection of the public. The State Insurance Board, upon the filing of such statement, shall file a certified copy thereof with the city secretary of any city, town, or village of such locality, if there be such, or if there be no such officer, then the board shall file a certified copy thereof with the county clerk of the county of such locality which said statement when so filed, shall be subject to public inspection. The county clerk or city secretary aforesaid shall receive as compensation the sum of ten cents for each such statement filed by him, which shall be paid to him by the State Insurance Board out of funds which shall be deposited with the State Insurance Board for such purpose by any such company; provided further, that said company or companies shall file with the board copies of all maps and copies of the analysis of all applications of said general basis schedules to the specific risks of this State, if required to do so by the board. And it shall be the duty of the expert or experts representing the insurance companies, or any insurance company in this State to furnish at the date of the inspection to the owners of all risks inspected for the purpose of applying the general basis schedules provided for in this act, a copy of such inspection report showing all defects that operate as charges to increase the insurance rate.

It is further provided that the maximum specific rates so made by a company or companies for any city, town, village or locality, shall not take effect, and such company or companies shall not write insurance thereunder until such maximum specific rates shall have been approved by the board; the board shall have the authority to reject said maximum specific rates so made or any part thereof, or to alter, amend, modify or change the same; or to permit such maximum specific rates to become effective for a limited time, or any modification or change thereof for a limited time in its discretion; provided, however, that the said board shall have authority in its discretion to permit the said company or companies to apply the said schedules of basis rates to risks other than

mercantile and special hazards without having first submitted the maximum specific rates so made to said board for approval. But such rates that the board may permit any company or companies to apply without the board's approval shall always be subject to review by the board and by the proper showing of any policyholder or holders may be reduced. It is further provided that all changes made by any company in the maximum specific rates made by it in applying the general basis schedules shall be subject to the review of the board for its approval or disapproval, and shall be reported to the board in such manner and form as may be prescribed by the board. Provided, further, that any insurance company or companies affected by this act shall have the right at any time to petition the board for an order changing or modifying the general basis schedules, or the application of the general basis schedules to the specific risks; and the board shall consider such petition as provided in this act, and enter such order as the board may deem just and equitable to such company or companies, to competing companies and to the public. Provided, further also, that any company or any policyholder affected by this act shall have the right to apply to the board for an order reducing the maximum specific rates of insurance on property within this State, and the board shall consider such application and enter such order with reference thereto as it may deem just and equitable to such company, to competing companies and to the public.

The board shall also have the power and authority to give each city, town, village, or locality credit for each and every hazard they may reduce or entirely remove, also for all added fire fighting equipment, increased police protection, or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality and also to give credit for a good fire record of each city, town, village or locality. The board shall also have the power and authority to compel any company to give any and all policyholders credit for any and all hazards that said policyholder or holders may reduce or remove. Said credit shall be in proportion to such reduction or removal of such hazard, and said company or companies

shall return to such policyholder or holders such proportional part of unearned premiums charged for such hazards that may be reduced or removed.

Sec. 13. It is provided that after the approval by the board of the maximum specific rates made by the insurance companies hereunder, that thereafter when a policy of insurance is written that the policyholder shall be furnished by the company with a copy of the analysis of his maximum specific rate showing the items of charge and credit which determine the rate unless such policyholder has heretofore been furnished with such analysis of his rate; it is also further provided that the general basis schedules and all maximum specific rates and local tariffs filed in accordance with the provisions of this act shall be open to the inspection of the public, and each local agent shall have and exhibit to the public copies thereof relative to all risks upon which he is authorized to write insurance.

Sec. 14. It is further provided that until the general basis schedules herein provided for shall have been promulgated by the board, and the maximum specific rates thereunder determined, all companies subject to the provisions of this act shall write insurance at the rates now in force in this State, including the reductions heretofore ordered by the State Fire Rating Board in localities where such specific rates have been determined and filed with the board; provided, the general basis schedules from which such specific rates have been made, and such specific rates shall be subject to the authority of the board under this act. Provided further, however, that wherever such specific rates have not been determined then the board shall designate at what rate the company shall write insurance; provided, however, that all rates under this section shall be maximum rates, and the companies shall have the right to write insurance below such rates by complying with the terms and conditions of Section 12 of this act.

Sec. 15. The said board shall have authority, upon reasonable notice, not exceeding thirty days, of its intention to do so, to alter, amend or revise said general basis schedules promulgated by it, or the specific maximum rates approved or ordered by it, as herein provided, and to give reasonable notice of such alteration, amendment or revisions to the public or to any company or companies affected thereby. Such altered,

amended or revised schedules or maximum rates shall be the schedules or maximum rates to be thereafter charged for insurance by any company in this State; provided, that the board may order changes to be made to meet unusual conditions in any particular locality, should such conditions exist or arise, by giving similar notice to the public or to any company affected thereby. Provided, the changes or amendments made to the general basis schedules shall apply only to policies of insurance written after the order of the board making such changes or amendments becomes effective. Provided further, that no policy existing prior to the taking effect of such changes or amendments to the general basis schedules shall be affected by such changes or amendments unless there shall be a change in the hazard of the risk necessitating a change in the rate applicable to such risk, in which event such policy shall be affected by such changes or amendments unless there shall be a change in the hazard of the risk necessitating a change in the rate applicable to such risk, in which event such policy shall be subject to the new rates applicable under the changed or amended general basis schedules.

Sec. 16. It shall be the duty of the State Insurance Board to make, promulgate and establish uniform policies of insurance applicable to the various risks of this State, copies of which uniform policies shall be furnished each company doing business in this State, or which may hereafter do business in this State. That after such uniform policies shall have been established and promulgated and furnished the respective companies doing business in this State, such companies shall, within sixty days after the receipt of such forms of policies, adopt and use said form or forms and no other; and all companies which may commence business in this State after the adoption and promulgation of such forms of policies, shall adopt and use the same and no other forms of policies. The said Insurance Board shall also prescribe all standard forms, clauses and indorsements used on or in connection with insurance policies. All other forms, clauses and indorsements placed upon insurance policies shall be placed thereon subject to the approval of the board. The board shall also have authority in its discretion to change, alter or amend such form or forms of policy or policies, and such clauses and indorsements used in connection therewith upon giving

notice and proceeding in accordance with Section 20 of this act.

Sec. 17. Any provision in any policy of insurance issued by any company subject to the provisions of this act to the effect that if said property is incumbered by a lien of any character or shall after the issuance of such policy become incumbered by a lien of any character, that such incumbrance shall render such policy void, shall be of no force and effect, and any such provision within or placed upon any such policy shall be absolutely null and void.

Sec. 18. No company subject to the provisions of this act may issue any policy or contract of insurance covering property in this State, which shall contain any clause or provision requiring the assured to take out or maintain a larger amount of insurance than that expressed in such policy, nor in any way providing that the assured shall be liable as coinsurer with the company issuing the policy for any part of the loss or damage which may be caused by fire to the property described in such policy, and any such clause or provision shall be null and void and of no effect; provided, that it may be optional with the assured to accept a policy or contract of insurance containing a coinsurance clause or provision when a reduction in the rate of insurance on the property described in such policy is the consideration named in such clause, and when so accepted the coinsurance clause or provision shall be binding on the assured.

Sec. 19. It is provided that any citizen or number of citizens of this State, or any policyholder or policyholders, or any insurance company affected by this act, or any board of trade, chamber of commerce or other civic organization, or the civil authorities of any town, city or village, shall have the right to file a petition with the Insurance Board setting forth any cause of complaint that they may have as to any order made by this board, or any schedule promulgated by this board, or as to any specific rate approved by this board, and that they shall have the right to offer evidence in support of the allegations of such petition by witnesses, or by depositions or by affidavits; that upon the filing of such petition, the party complained of, if other than the board, shall be notified by the board of the filing of such petition and a copy thereof furnished the party or parties, company or companies, of whom complaint is made, and the said petition shall be set down for

a hearing at a time not exceeding thirty days after the filing of such petition and the board shall hear and determine said petition; but it shall not be necessary for the petitioners or any one for them to be present to present the cause to the board, but they shall consider the testimony of all witnesses, whether such witnesses testify in person, or by deposition, or by affidavits, and if it be found that the complaint made in such petition is a just one, then the matters complained of shall be corrected or required to be corrected by said board.

Sec. 20. The State Insurance Board shall give the public and all insurance companies, to be affected by its orders or decisions, reasonable notice thereof, not exceeding thirty days, and an opportunity to appear and be heard with respect to the same; which notice to the public shall be published in one or more daily papers of the State, and such notice to the insurance company or companies to be affected thereby shall be by letter deposited in the postoffice, addressed to the State or general agent of such company or companies, if the address of such State or general agent be known to the board, or, if not known, then such letter shall be addressed to some local agent of such company or companies, or, if the address of a local agent be unknown to the board, then by publication in one or more of the daily papers of the State, and the board shall hear all protests or complaints from any insurance company or any citizen, or any city, town or village, or any commercial or civic organization as to the inadequacy or unreasonableness of any rates fixed by it or approved by it, or as to the inadequacy or unreasonableness of any general basis schedules promulgated by it or the injustice of any order or decision by it; and if any insurance company, or other person, or commercial or civic organization, or any city, town or village, which shall be interested in any such order or decision, shall be dissatisfied with any regulation, schedule or rate adopted by such board, such company or person, commercial or civic organization, city, town or village shall have the right, within thirty days after the making of such regulation or order, or rate, or schedule, or within thirty days after the hearing above provided for, to bring an action against said board in the district court of Travis county to have such regulation or order or schedule or rate vacated or modified; and shall set forth in a petition

therefor the principal ground or grounds of objection to any or all of such regulations, schedules, rates or orders; in any such suit, the issue shall be formed and the controversy tried and determined as in other civil cases, and the court may set aside and vacate or annul any one or more or any part of any of the regulations, schedules, orders or rates promulgated or adopted by said board, which shall be found by the court to be unreasonable, unjust, excessive or inadequate, without disturbing others. No injunction, interlocutory order or decree suspending or restraining directly or indirectly the enforcement of any schedule, rate, order or regulation of said board shall be granted.

Provided, that in such suit, the court, by interlocutory order, may authorize the writing and acceptance of fire insurance policies at any rate, which in the judgment of the court is fair and reasonable during the pending of such suit, upon condition that the party to such suit in whose favor the said interlocutory order of said court may be, shall execute and file with the Commissioner of Insurance and Banking a good and sufficient bond to be first approved by said court, conditioned that the party giving said bond will abide the final judgment of said court and will pay to the Commissioner of Insurance and Banking whatever difference in the rate of insurance it may be finally determined to exist between the rate as fixed by said board complained of in such suit, and the rate finally determined to be fair and reasonable by the court in said suit; and the said Commissioner of Insurance and Banking, when he receives such difference in money, shall transmit the same to the parties entitled thereto.

Whenever any action shall be brought by any company under the provisions of this section within said period of thirty days, no penalties nor forfeitures shall attach or accrue on account of the failure of the plaintiff to comply with the orders, schedules, rates or regulations sought to be vacated in such action until the final determination of the same.

Either party to any such action, if dissatisfied with the judgment or decree of said court, may appeal therefrom as in other civil cases. No action shall be brought in any court of the United States to set aside any orders, rates, schedules or regulations made by said board under the provisions of this

act until all of the remedies provided herein shall have been exhausted by the party complaining.

If any insurance company affected by the provisions of this act shall violate any of the provisions of this act, the Commissioner of Insurance shall, by and with the consent of the Attorney General, cancel its certificate of authority to transact business in this State.

Sec. 21. No company shall engage or participate in the insuring or reinsuring of any property in this State against loss or damage by fire except in compliance with the terms and provisions of this act; nor shall any such company knowingly write insurance at any rate higher than the maximum rates herein provided for and it shall be unlawful for any company so to do. And it shall be unlawful for any company, or its officers, directors, general agents, State agents, special agents, local agents, or its representatives, to grant or contract for any special favor or advantage in the dividends or other profits to accrue thereon, or in commissions or division of commissions, or any position, or any valuable consideration, or any inducement not specified in the policy contract of insurance; nor shall such company give, sell or purchase, offer to give, sell or purchase, directly or indirectly, as an inducement to insure or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, partnership, or individual, or any dividends or profits accrued or to accrue thereon or anything of value whatsoever, not specified in the policy; but nothing in this section or in this act shall be construed to prohibit a company from sharing its profits with its policyholders; provided, that such agreement as to profit sharing shall be placed on or in the face of the policy, and such profit sharing shall be uniform and shall not discriminate between individuals or between classes; provided, however, that no part of the profit shall be paid until the expiration of the policy.

Any company, or any of its officers, directors, general agents, State agents, special agents, local agents or its representatives, doing any of the acts in this section prohibited, shall be deemed guilty of unjust discrimination; provided, however, that if any agent or company shall issue a policy without authority, and any policyholder holding such policy shall sustain a loss or dam-

age thereunder, said company or companies shall be liable to the policyholder thereunder, in the same manner and to the same extent as if said company had been authorized to issue said policy, although the company issued said policy in violation of the provisions of this act. But this shall not be construed to give any company the right to issue any contract or policy of insurance other than as provided in this act.

Sec. 22. No person shall knowingly receive or accept from any insurance company or from any of its agents, sub-agents, brokers, solicitors, employees, intermediaries or representatives, or any other person, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other financial profits accrued or to accrue thereon or any valuable consideration, position or inducement not specified in the policy of insurance, and any person so doing shall be guilty of a violation of the provisions of this section, and shall be punished by a fine of not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding ninety days, or by both such fine and imprisonment.

Sec. 23. The provisions of this law shall not deal with the collection of premiums, but each company shall be permitted to make such rules and regulations as it may deem just between the company, its agents, and its policyholders; and no bona fide extension of credit shall be construed as a discrimination, or in violation of the provisions of this act.

All policies heretofore issued or which shall hereafter be issued by any insurance company prior to the taking effect of this act, which provide that said policies shall be void for non-payment of premiums at a certain specified time shall be and the same are in full force and effect, provided, that the company or any of its agents have accepted the premium on said policies after the expiration of the dates named in said provision fixing the date of payment.

Sec. 24. The Commissioner of Insurance, upon ascertaining that any insurance company or officer, agent or representative thereof, has violated any of the provisions of this act, may, at his discretion, and with the consent and approval of the Attorney General, revoke the certificate of authority of such company, officer, agent or representative; but such revocation of any

certificate shall in no manner affect the liability of such company, officer, agent or representative to the infliction of any other penalty provided by this act, and provided that any action, decision or determination of the Commissioner of Insurance and Banking and the Attorney General in such cases shall be subject to the review of the courts of this State as herein provided.

Sec. 25. Any insurance company affected by this act, or any officer or director thereof, or any agent or person acting for or employed by any insurance company, who, alone or in conjunction with any corporation, company, or person, who shall willfully do or cause to be done, or shall willfully suffer or permit to be done any act, matter or thing prohibited or declared to be unlawful by this act, or who shall willfully omit or fail to do any act, matter or thing required to be done by this act, or shall cause or willfully suffer or permit any act, matter or thing directed not to be done, or who shall be guilty of any willful infraction of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars for each offense.

Sec. 26. No person shall be excused from giving testimony or producing evidence when legally called upon to do so at the trial of any other person or company charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence under this act, except for perjury in so testifying.

Sec. 27. This act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State and carried on by the members thereof solely for the protection of their property and not for profit; nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their property and not for profit.

Sec. 28. Not later than March 15th, after this act shall take effect, and annually thereafter, it shall be the duty

of the Commissioner of Insurance for the purpose of reimbursing the State for the amount to be so expended during the current year in carrying out the provisions of this act, to collect from each insurance company affected by this act, which transacted business in this State during the preceding calendar year, or any portion thereof, the proportion of said \$25,000 which the gross premiums collected by said company during such year from persons or upon property located in this State bears to the aggregate amount of gross premiums so collected during such year by all insurance companies affected by this act transacting business in this State; provided, that in computing such gross premium receipts there shall be deducted therefrom the amount paid out for reinsurance and for return premiums on canceled policies. If, at the end of any year after this act shall take effect it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than \$25,000, the amount remaining unexpended shall be applied in the reduction of the amount to be collected from said companies for the succeeding year. The amount due under the provisions of this section by each company shall be certified by the Commissioner of Insurance to such company and he shall revoke the certificate of authority of any company which shall fail to pay the same within thirty days after the receipt of such certificate; provided, that the collections from insurance companies provided for in this section shall not be made for any year during which any such company shall be liable under the laws of this State to the payment of an occupation tax at a rate of two and one-half per cent or more of the gross premiums received, less deductions for reinsurance and return premiums on canceled policies.

Sec. 29. If any part of this act be for any reason held unconstitutional it shall not affect any other portion or part of this act.

Sec. 30. Chapter 18 of the General Laws of the Thirty-first Legislature passed by its First Called Session and approved April 19, 1909, entitled, "An Act providing the conditions upon which fire insurance companies shall transact business in this State; and providing for the regulation and control of rates of premiums on fire insurance and to prevent discrimination therein; and to cre-

ate a fire insurance rating board; and to provide penalties for violation of this act, and declaring an emergency," and all other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 31. The fact that there is now no sufficient law in this State prohibiting unjust discriminations in the collection of fire insurance rates as between citizens of this State; nor protecting citizens in securing reasonable rates, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days to be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

Senate Chamber.
Austin, Texas,

Wednesday, September 7, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.

Absent—Excused.

Perkins.
Sturgeon.

Veale.
Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with.

The Chair called the regular order of business, and, there being no business under this head, the Chair declared the morning call concluded.

There being nothing on the calendar

of the Senate, on motion of Senator Weinert, the Senate was at ease subject to call of the Chair.

The Senate was called to order by Lieutenant Governor Davidson at 11 o'clock a. m.

Senator Hudspeth moved that the Penitentiary Investigating Committee of the Senate be requested to confer with the like committee of the House relative to the manner in which to pursue relative to further action on the penitentiary bill.

Senator Terrell of Bowie moved, as a substitute, that the joint committee who drafted the original penitentiary bill be requested to meet in conference and that the Lieutenant Governor and the Speaker of the House be requested to participate in the conference to adjust the differences between the two branches of the Legislature with reference to the penitentiary bill, and to report their conclusions to the Legislature for such action as they may see fit.

The substitute motion prevailed.

On motion of Senator Peeler, the Senate was here at ease subject to the call of the Chair.

At 11:50 o'clock the Senate was called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate to adopt the following motion: "That the joint committee who drafted the original penitentiary bill be requested to meet in conference and that the Lieutenant Governor and the Speaker of the House be requested to participate in the conference to adjust the differences between the two branches of the Legislature with reference to the penitentiary bill, and to report their conclusions to the Legislature for such action as they see fit," has been adopted.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

RECESS.

Senator Terrell of Bowie moved that the Senate recess until 1:30 o'clock today.

Senator Terrell of McLennan moved, as a substitute, that the Senate recess until 2 o'clock today.

The substitute motion was adopted.

AFTER RECESS.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in the action of the Senate on Senate bill No. 10, and requests the appointment by the Senate, in order that the differences between the two houses on said bill may be adjusted, of a Free Conference Committee to confer with those appointed on behalf of the House. The following committee has been appointed on behalf of the House: Messrs. Gilmore, Stamps, Goodman, Looney and Caves.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

The above message was read to the Senate, and Senator Murray moved that the Senate grant the request of the House for a Free Conference Committee on Senate bill No. 10.

Senator Senter moved, as a substitute, that the Senate do not receive the message, and that same be returned to the House.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 17. A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to restrict corporal pun-

ishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commissioners; to vest title to all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violations of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 17, referred to Committee on State Penitentiaries.

MOTIONS RELATIVE TO HOUSE MESSAGE.

Action recurred on the pending motions relative to the House message on Senate bill No. 10, and

Senator Cofer moved to table the substitute motion, which motion to table was lost by the following vote:

Yeas—11.

Brachfield.	Ratliff.
Cofer.	Real.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	Weinert.
Murray.	

Nays—13.

Adams.	Meachum.
Alexander.	Paulus.
Harper.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	

Absent.

Bryan. Terrell of Bowie.

Absent—Excused.

Perkins.
Sturgeon.

Veale.
Willacy.

Action then recurred on the substitute motion.

(Pending discussion, Senator Hudspeth was called to the chair.)

Senator Meachum offered the following as a substitute for the above pending motions:

Resolved, That in the interest of the dispatch of public business, and that the Senate and the House may proceed in accordance with well established rule without misunderstanding, that the House of Representatives be requested to withdraw the pending House message, and report to the Senate what action, if any, it has taken on Senate amendment to House substitute to Senate bill No. 10, to the end that if a Free Conference Committee be necessary each body may proceed at once to the appointment of its respective committees, so that important legislation in which the people of Texas are interested may be enacted into law.

ALEXANDER,

MEACHUM,

WATSON.

TERRELL of McLennan.

The above motion was read, and Senator Senter withdrew his substitute motion.

Pending discussion of the motion, Senator Meachum moved that the pending motions be laid on the table subject to call.

The motion prevailed.

The Senate was then at ease until 4:45 o'clock, and was called to order by Lieutenant Governor Davidson.

MOTION RELATIVE TO HOUSE MESSAGE.

Action recurred on the pending motions relative to the House message, the question being on the substitute motion by Senator Meachum and others, which was on the table subject to call.

Senator Murray withdrew his motion to grant the request of the House for a Free Conference Committee.

Senator Meachum's motion became the original motion, and was changed to a simple resolution, and the same was adopted.

The Senate was then at ease until 5:25 o'clock p. m., and was called to order by Lieutenant Governor Davidson.

SENATE CONCURRENT RESOLUTION.

(By Unanimous Consent.)

By Senator Brachfield:

Senate Concurrent Resolution No. 3:
Be it resolved by the Senate, the House of Representatives concurring, That the Fourth Special Session of the Thirty-first Legislature of Texas do stand adjourned sine die at 10 o'clock a. m., September 8, A. D. 1910.

WATSON,
BRACHFIELD.

The resolution was read and referred to the Committee on State Affairs.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following simple resolution: "We move that the House recall its message to the Senate, and that the House do not concur in Senate amendments to Senate bill No. 10, and asks for the appointment of a Free Conference Committee on the part of the Senate to confer with a like committee to be appointed by the House."

The following has been appointed on part of the House: Messrs. Gilmore, Looney, Stamps, Goodman and Caves.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

Senator Weinert moved that the Senate grant the request of the House for the appointment of a Free Conference Committee.

The motion prevailed, and the Chair appointed the following as the Free Conference Committee: Senators Weinert, Hudspeth, Murray, Senter and Ward.

RESOLUTIONS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

House Concurrent Resolution No. 4. Providing for the removal of the remains of Stephen F. Austin to the State cemetery at Austin.

House Concurrent Resolution No. 6, Congratulating the Republic of Mexico in this, the centennial of their declaration of independence.

ADJOURNMENT.

On motion of Senator Hume, the Senate, at 6 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, September 8, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.	Murray.
Holsey.	

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

The Chair called the regular order of business, and, there being no business under this head, the Chair declared the morning call concluded. (See Appendix for committee reports.)

SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Resolved, That the Secretary of the Senate be allowed postage to the amount of \$6.00, for the purpose of mailing out

Journals of the last day to the members of the Senate, per resolution adopted providing for same.

The resolution was read and adopted.

AMENDMENTS TO BE NOT PRINTED IN JOURNAL.

Senator Weinert, having filed a committee report on House bill No. 17, the House penitentiary bill, which recommended that the bill do pass, with amendments, and that same be not printed. (See Appendix for committee report.)

Senator Murray moved that the committee amendments be not printed in the Journal.

The motion prevailed.

SIMPLE RESOLUTION.

By Senator Harper:

Resolved, That the President of the Senate appoint a committee of three to name the officers and employees to be retained after the adjournment of the Legislature, and the length of time they shall serve, and the work they shall do.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the following as the committee: Senators Harper, Mayfield and Ratliff.

AT EASE.

The Senate was here at ease, subject to call of the Chair, on motion of Senator Meachum.

IN SESSION.

At 11:40 o'clock the Senate was called to order by Lieutenant Governor Davidson.

RECESS.

On motion of Senator Meachum, the Senate recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 3. Relating to the modification of the Fourteenth Amendment and the repeal of the Fifteenth Amendment to the Constitution of the United States.

Respectfully.

BOB BARKER,

Chief Clerk, House of Representatives.

RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) referred, after its caption had been read, the following resolution:

House Concurrent Resolution No. 3. referred to Committee on Privileges and Elections.

POST-SESSION CLERICAL WORK.

Senator Harper offered the following special committee report:

Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the Third and Fourth Called Sessions of the Thirty-first Legislature, and to report and recommend such officers and employees as shall be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report as follows:

1. That 250 volumes of the Senate Journal of the Third and Fourth Called Sessions of the Thirty-first Legislature, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound shall be forwarded by the Secretary of State to each member of the Senate and to each Representative and the remainder shall be turned over to the Secretary of State. The printing of such Senate Journals in permanent form shall be done in accordance with the pre-existing law and with the provisions of this resolution under the su-

pervision of the Journal Clerk of the Senate; and it is further provided that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the Senate for the purpose of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the Third Called Session and Fourth Called Session of the Thirty-first Legislature that are available; provided that the chairman of the Contingent Expense Committee shall not issue voucher for said account until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. We recommend that the Secretary, Clyde D. Smith, and Journal Clerk, R. M. Gilmore, each be retained for twenty days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete and comprehensive index of the same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate. And that the Secretary and Journal Clerk shall perform their duties in conjunction with each other and the Secretary shall, in addition to his other duties, assist the Journal Clerk.

3. That C. J. Duggan, the Calendar Clerk, be retained two days after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver the same to Secretary of the Senate.

4. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle, and his clerk, Dennis Corwin, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds and one copy to the Secretary of State upon the adjournment of this Legislature; and that the Sergeant-at-Arms and his clerk, Dennis Corwin, be allowed two days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate of the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed three porters, Ellis Monroe and Frank Kelle and Ben Jackson, for one day to assist him, porters to be paid \$2.00 per day and this is to be out of the appropriation of the per diem of members, officers, clerks and employees.

5. We recommend that the Engrossing Clerk, F. P. Smith, and Assistant Enrolling Clerk, C. A. Jay, each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature, and that each of them be paid for one day's time at \$5.00 per day.

6. That each of the above and hereafter named officers and employees, except porters, be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the Third and Fourth Called Sessions of the Thirty-first Legislature.

7. That the Postmistress, Mrs. Annie Shirley, be requested to make out a list of the Senators and employees of the Senate with their respective postoffice address and furnish the same to the postmaster at Austin, with the request that he forward their mail to their re-

spective addresses after adjournment, and that she be paid for one day's time at \$5.00 per day.

8. That the expenditures under this resolution may be paid out of the contingent and per diem funds of the Third and Fourth Called Sessions of the Thirty-first Legislature; that \$30, or so much thereof as may be necessary, should be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

MAYFIELD,
HARPER,
RATLIFF,
Committee.

The above report was read and adopted.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Terrell of Bowie:

Resolved by the Senate, That the Senate Free Conference Committee on Senate bill No. 10, the same being the penitentiary bill, is hereby instructed not to make any agreement whereby said bill will not go into effect until some particular time after the passage of such act.

The resolution was read, and Senator Watson moved to table the resolution, which motion to table was adopted by the following vote:

Yeas—17.

Adams.	Peeler.
Alexander.	Real.
Brachfield.	Senter.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Hume.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

Nays—8.

Cofer.	Mayfield.
Holsey.	Paulus.
Hudspeth.	Ratliff.
Kauffman.	Terrell of Bowie.

Absent.

Bryan.

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has appointed Mr. Moller on the Free Conference Committee on Senate bill No. 10 in the place of Mr. Stamps, who resigned.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

RECESS.

On motion of Senator Harper, the Senate recessed until 5 o'clock p. m. this afternoon.

AFTER RECESS.

At 5 o'clock the Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 9—FREE CONFERENCE COMMITTEE REPORT ON.

Senator Harper offered the following Free Conference Committee report:

Austin, Texas, September 8, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee appointed to consider House bill No. 9, with Senate amendments, said bill being a bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act: providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading: making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading

any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; providing for the verification of bills of lading by affidavits of local agent of carrier, prescribing form of such affidavit; providing for record of same, and fixing fee for taking same; and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost, by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law, creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency," have and the same under consideration and recommend that said House bill No. 9 with Senate amendments do not pass, but that in lieu thereof and as a substitute therefor that the following Free Conference Committee bill prepared by

your Free Conference Committee do pass.

SENER,
MEACHUM,
HARPER,
WATSON,
PEELER,

On the part of the Senate.

MOLLER,
MUNSON,
TARVER,
CURETON,
LOONEY,

On the part of the House.

Free Conference Committee Substitute
for House bill No. 9:

A BILL

To Be Entitled

An Act requiring all railroads and steamship companies, and other common carriers, or receivers thereof, except express companies and pipe line companies, upon receipt of freight, to issue bills of lading, and to authenticate, validate or certify such bills of lading under the provisions of this act; prescribing certain requirements for bills of lading, and defining straight and order bills of lading; prohibiting the issuance of order bills of lading in sets or in duplicate; making it the duty of the Railroad Commission to adopt and prescribe forms, terms and conditions for the authentication, validation or certification of bills of lading, and prescribing the duties of the Railroad Commission in reference thereto; providing that all carriers affected by this act shall keep posted in certain places a written instrument authorizing the agent of such carrier to sign bills of lading; prescribing the duties of carriers affected by this act, and their liability for failure to take up and cancel order bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when order bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining certain duties and liabilities of carriers affected by this act with reference to and under a bill of lading, and providing that a bill of lading validated, authenticated or cer-

tified in accordance with the provisions of this act in the hands of an innocent holder shall be incontestable concerning the matters therein set forth in the bill; providing conditions when the carrier shall not be liable under the provisions of this act; creating and defining certain criminal offenses for the violation of the provisions of this act, and with reference to the issuance, negotiation or transfer of bills of lading, and prescribing penalties therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all railroad companies, steamship companies and other common carriers, or receivers thereof, except express companies and pipe line companies, upon the receipt of freight for transportation, to issue bills of lading therefor, and to authenticate, validate or certify such bills of lading, when the same shall be demanded by the shipper, in accordance with the provisions of this act.

Sec. 2. Each bill of lading issued by a common carrier to which the provisions of this act apply for an intrastate shipment, shall contain, and each bill of lading issued by such carrier for interstate or foreign shipment may contain, within the written or printed terms, in addition to the other requirements of this act, the following:

- (a) The date of its issuance;
- (b) The name of the person from whom the goods have been received;
- (c) The place where the goods have been received;
- (d) The place to which the goods are to be transported;
- (e) A statement of whether the goods will be delivered to a specific person or the order of a specific person;
- (f) A description of the goods or the packages containing them, which may, however, be in terms such as may be approved by the Railroad Commission;
- (g) The signature of the carrier or the duly authorized agent of the carrier; said bill of lading shall be signed with pen and ink, and the person signing the same shall attach his signature below all written, printed or stamped matter contained in said bill of lading, except the words, "Authorized Agent of" (stating the name of his principal), which shall appear below his signature;
- (h) The carrier may insert in a bill of lading issued by him any other terms

and conditions; provided, such terms and conditions shall not be contrary to law or public policy or the orders promulgated by the Railroad Commission; and, provided, further, that no language shall be inserted in any bill of lading having the effect of limiting or avoiding any of the provisions of this act;

(i) Provided, that when any form of bill of lading has been approved by the Interstate Commerce Commission, and has been adopted by any carrier and made a part of its tariff, then such bill of lading, as to interstate and foreign shipments, shall be a sufficient compliance with the provisions of this section of this act.

Sec. 3. A bill of lading in which it is stated that the goods are consigned or destined to a specific person is a "straight" bill of lading, and a bill of lading in which it is stated that the goods are consigned to the order of any person named in such bill of lading is an "order" bill of lading. "Order" bills of lading shall not be issued in sets or in duplicate, but copies thereof may be issued; provided, such copy has written or printed across the face thereof: "Copy—Not Negotiable."

Sec. 4. It shall be the duty of the Railroad Commission of Texas to adopt and prescribe forms, terms and conditions for the authentication, certification and validation of all bills of lading issued by common carriers referred to in Section 1 hereof, and to regulate the method and manner of their issuance, and to take all such steps as it may deem necessary to carry into effect the provisions of this act.

Sec. 5. It shall be the duty of the carriers affected by this act to keep posted for public inspection in some conspicuous place in the station or place where freight is received an instrument of writing authorizing the agent of such carrier, or person authorized to act for such carrier, selected for such purpose, to execute, sign and issue bill of lading, and the agent or person so authorized to act for said carrier, so selected, shall attach his signature to such instrument in the same manner that he signs bills of lading.

Sec. 6. Each and every bill of lading issued by the authorized agent of any carrier or receiver thereof, affected by the provisions of this act, shall be deemed and held to be the act and deed of such carrier or receiver thereof, and the principal shall be liable thereon in

accordance with the terms thereof. When any such bill of lading shall be validated, authenticated or certified in accordance with the rules, and regulations herein provided for, and as may be prescribed by the Railroad Commission in accordance with the provisions of this act, and in the hands of an innocent holder for value, it shall be incontestable as to the matters and things therein set forth.

Sec. 7. If the carrier shall deliver goods for which an order bill of lading has been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel said bill of lading, such carrier shall be liable for the failure to deliver the goods to any one who, for value, in good faith, purchases such bill of lading whether the purchaser acquired title to the bill of lading before or after the delivery of the goods by the carrier and notwithstanding such delivery was made to the person entitled thereto; except when goods are sold to satisfy the carrier's lien, and except when compelled to do so by legal process.

Sec. 8. If a carrier delivers a part of the goods for which an order bill of lading has been issued, and fails to take up and cancel the bill of lading, or to place plainly upon the bill of lading that a portion of the goods had been delivered, with a description which may be in general terms, either of the goods or packages that had been so delivered, or of the goods or packages which still remain in the carrier's possession, he shall be liable for the failure to deliver all of the goods specified in the bill of lading to any one, who for value, and in good faith, purchases it. whether such purchaser acquires title to the bill of lading before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto; except when goods are sold to satisfy the carrier's lien, and except when compelled to do so by legal process.

Sec. 9. Where an order bill of lading shall have been lost or destroyed, a court of competent jurisdiction, in term time or in vacation, may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon the giving of a bond, with good and sufficient sureties, to be approved by the court, to protect the carrier or any person injured by such delivery

from any liability or loss incurred by reason of the original bill of lading remaining outstanding. The court may also, in its discretion, order the payment of the carrier's reasonable costs and counsel fees; but the delivery of the goods under an order of the court, as provided for in this section, shall not relieve the carrier from liability to a person to whom the order bill of lading has been or shall be negotiated for value, and without notice of the proceedings or the delivery of the goods. Provided, that nothing herein shall prevent the carrier from delivering the property covered by such lost bill of lading to any party claiming the same, on such terms as such party and the carrier may agree upon.

Sec. 10. The carrier shall not be liable under the provisions of this act where the property has been replevied or levied upon or taken from the possession of the carrier by other legal process, or has been lawfully sold to satisfy the carrier's lien, or in case of the sale or disposition of perishable, hazardous or unclaimed goods, in accordance with law.

Sec. 11. Any officer, agent or servant of any carrier, railroad or transportation company, or receiver thereof affected by this act, who shall fail or refuse to issue a bill of lading in accordance with this act and the regulations and orders of the Railroad Commission, when the same is rightfully demanded, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred (\$200) dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Sec. 12. Any officer, agent or servant of a carrier, railroad or other transportation company, or receiver thereof affected by this act, who shall wrongfully issue a bill of lading with the intent to defraud any person, or who shall with intent to defraud, knowingly misdescribe any goods, articles or other property, or the quantity or amount thereof, described in any bill of lading, or who shall knowingly issue a bill of lading without authority so to do with the intent to defraud any person shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by confinement in the State penitentiary for a term not less than two years and not exceeding ten years.

Sec. 13. Any person who shall forge the name of any agent of a railroad company or other common carrier to a bill of lading with the intent to defraud, or who shall forge the name of any person to any certificate attached to a bill of lading issued by such carrier with the intent to defraud, or who shall knowingly utter or attempt to utter any such forged instrument with intent to defraud, shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than five years and not exceeding fifteen years.

Sec. 14. Any officer, agent or servant of a common carrier who knowingly issues or aids in issuing or knowingly permits to be issued in parts or sets, or in duplicate, an order bill of lading shall be guilty of a felony, and upon conviction shall be punished for such offense by a fine not exceeding five thousand dollars and by confinement in the State penitentiary for a term not exceeding five years.

Sec. 15. Any person who knowingly, and with the intent to defraud, negotiates or transfers a bill of lading issued in violation of the provisions of this act, or who knowingly and with the intent to defraud, negotiates or transfers a bill of lading which contains any statement of fact that is untrue, and which statement relates to a material matter, shall be guilty of a felony and upon conviction of such offense shall be punished by a fine not exceeding five thousand dollars and by imprisonment in the State penitentiary for a term not exceeding ten years.

Sec. 16. Any person who shall knowingly and fraudulently procure and cause the agent of any common carrier to make and set forth in any bill of lading issued by him on behalf of such carrier any statements or representations which are false and which materially misrepresent the number, amount or quantity of the goods, chattels or other articles therein described, or who shall procure or cause any agent of a common carrier to issue to him a bill of lading with the intent to defraud, shall be deemed guilty of a felony and shall be punished by confinement in the penitentiary not less than two years nor more than five years.

Sec. 17. It shall be the duty of the Railroad Commission to adopt and prescribe forms, terms and conditions for

the authentication, certification or validation of bills of lading, and the manner and method of their issuance, and to take such steps as it may deem necessary to carry into effect the provisions of this act, and to give due notice to all carriers affected by the provisions of this act, and to the public as soon as practicable, and to designate the time when such regulations shall take effect, which shall not be later than October 31, A. D. 1910; and it shall have authority to amend, alter and modify from time to time, as may seem to it expedient, any regulations which may be adopted by it in accordance with the provisions hereof, after giving due notice thereof to all carriers interested and to the public.

Sec. 18. The fact that the shipping season is near at hand, and that there is a universal demand that the commercial community be furnished with staple documents, and particularly with reference to bills of lading, in the movement of this year's cotton crop, creates an emergency and an imperative public necessity, authorizing the suspension of the constitutional rule requiring that bills be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted; provided, however, that the carriers and other persons affected by the provisions of this act shall have until the first day of November, A. D. 1910, in which to prepare and begin operations hereunder before the penalties provided by this act shall be assessed against them, or any of them.

Pending the reading of the above report, Senator Terrell of Bowie moved that the further reading of same be dispensed with, and the motion was adopted, but later the reading of same was called for, and the report was read.

After the reading of the report, the same was, on motion of Senator Harper, adopted by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Ratliff.
Cofer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—3.

Hume. Terrell of Wise.
Murray.

Absent.

Bryan. Greer.

Absent—Excused.

Perkins. Veale.
Sturgeon. Willacy.

Senator Senter moved to reconsider the vote by which the report was adopted, and lay that motion on the table. The motion to table prevailed.

REASONS FOR VOTING.

The Farmers' Union caused to be presented to the Legislature the bill of lading measure offered by us in order to relieve the fears of the banks in the handling of cotton bills of lading, and to enable bills to be readily negotiated and discounted, with drafts attached, when offered for sale by the small shipper, as well as the large. The measure easily passed the House of Representatives, and after numerous conferences in committee with the representatives of the Farmers' Union, the carriers and others interested, and the expenditure of much time and attention, we amended our measure until it met the views of all concerned, and was satisfactory. When our measure was reached in the Senate, for some reason, the majority threw down this measure of the Farmers' Union and adopted, over our protest, the Senter substitute, which was useless so far as the present emergency in Texas is concerned, and ran away with our bill, and threw the matter into conference, where we were unable further to assist in giving form to the measure. However, the Conference Committee has wisely receded from the action of the Senate and embraced in the conference bill the essential features of our original measure. We congratulate the committee on this action, and so vote "aye" for the report. The same result could have been more directly reached by passing the House measure as we offered to amend it. We would then have had a better, simpler and less complicated bill of lading law. There are some provisions in this conference bill which we struck out of our bill, and for these we do not stand, but vote for the bill as the only act we can now get.

COFER.
MAYFIELD.

ADJOURNMENT.

Senator Hume moved that the Senate adjourn until 9 o'clock tomorrow morning.

The motion prevailed.

APPENDIX.

COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

House bill No. 17. A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to restrict corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commissioners; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act, and repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass with the following amendments and be not printed.

Weinert, Chairman; Meachum, Kauffman, Paulus, Hudspeth, Terrell of McLennan.

Note—The above report was read, and the amendments are not printed in the Journal by order of the Senate.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, September 9, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Ratliff.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.	Real.
Greer.	

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

The Chair called the regular order of business, and there being no business under this head, the Chair declared the morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 9, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 9 by the following vote: Yeas, 92; nays, 5.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

INSTRUCTIONS TO FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 10.

Senator Senter, a member of the Free Conference Committee on the peniten-

tiary bill, asked the Senate to instruct him as to the action with reference to that part of the bill relating to the retention of the strap, whereupon,

Senator Meachum offered the following resolution:

Resolved, That the Free Conference Committee of the Senate on the penitentiary bill be requested to stand in the retention of the strap on third-grade prisoners, in accord with the judgment of the House of Representatives and as decided by a majority vote of the House of Representatives, with a further provision providing substantially as follows:

That no convict shall be whipped until same has been authorized by at least two members of the Penitentiary Commissioners, upon their written order, and such order so issued shall be executed only in the presence of a prison physician, and a sworn report shall be made by the officer executing such order to the Penitentiary Commissioners, who shall keep a record of all such reports in a well-bound book to be kept for that purpose, which shall be at all times open to public inspection; and such report so to be made by such officer executing the order of the Penitentiary Commissioners shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Penitentiary Commission to make semi-annual report of the whipping of convicts to the district judge of the county where such whipping occurred, who shall report same to the grand jury, which is hereby authorized to make investigation thereof, if they deem same advisable; and said Free Conference Committee is requested to provide offenses and suitable penalties for unlawful whipping of convicts, and to provide that in all such cases each and every convict and ex-convict shall be a competent witness.

MEACHUM,
WATSON,
BRACHFIELD,
COFER,
SENER,
PEELER,
HUME,
ADAMS,
KELLIE,
PAULUS,
KAUFFMAN,
RATLIFF.

Senator Alexander made a point of order on the above resolution, that the Free Conference Committee on the above bill had already agreed on this part of the bill, and that the Senate members of the committee had not asked for instructions on the matter and could not do so except when same was asked for as a committee, and that only one member of the committee had asked for the instruction.

The Chair (Lieutenant Governor Davidson) overruled the point of order.

Pending discussion on the above, Senator Meachum moved the previous question on same, which was duly seconded.

The previous question was ordered by the following vote:

Yeas—12.

Adams.	Paulus.
Brachfield.	Peeler.
Harper.	Ratliff.
Hume.	Senter.
Kellie.	Terrell of McLennan.
Meachum.	Watson.

Nays—10.

Alexander.	Mayfield.
Cofer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Hudspeth.	Ward.
Kauffman.	Weinert.

Absent.

Bryan.	Murray.
Greer.	Real.

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

Action recurred on the resolution, and the same was adopted by the following vote:

Yeas—13.

Adams.	Meachum.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Ratliff.
Hume.	Senter.
Kauffman.	Watson.
Kellie.	

Nays—9.

Alexander.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Hudspeth.	Ward.
Mayfield.	Weinert.
Terrell of Bowie.	

Absent.

Bryan.	Murray.
Greer.	Real.

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

Senator Meachum moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

Morning call concluded.

REASONS FOR VOTING.

We vote against the resolution offered by the Senator from Grimes (Meachum) et al. to instruct the Free Conference Committee of the Senate to insert a clause in its report authorizing the whipping of convicts confined in the penitentiary, and desire to record our solemn protest in the Journal of the Senate.

After full discussion on a former day of this session this Senate, by a vote of nearly two to one, declared that whipping should not be allowed, and now, in the closing hours of the session, when six members of the Senate are absent on account of sickness or important business, it is not a fair expression of the whole Senate's attitude on the question.

The Conference Committee having been appointed without instructions, and as a committee not having asked instructions, and the two committees having passed this section without disagreement, there is no parliamentary warrant or authority to now instruct them, and it sets a dangerous precedent of the future.

The use of the bat, strap or lash in the past has been so fruitful of abuse that the details are revolting to a civilized people. In 1874 an investigation showed the unmerciful whipping of convicts. The indignation of the people of Texas was aroused, but the law was not changed, and the abuses went on. In 1902 another investigation disclosed the same shameful state of affairs. More indignation, but no change in the law. The report of the committee, appointed at a former session of this Legislature, shows that the abuse of the law allowing the lash goes right on, and that cruel and ruthless punishment is frequent. On the publication of this report by the daily press, indignation meetings were held in many sections of the State, and the demand made for the abolition of the

strap. Although the law and the rules required the use of the strap only on written order of a superior officer in aggravated cases, from this report we find that prisoners were whipped and beaten unmercifully without any order. The straps used were of heavy sole leather, four or five inches wide and five or six feet long, with heavy handles. Many prisoners were beaten into insensibility, and some beaten to death. Others, white men, were stripped, placed face downward, with burly negroes seated upon head and feet while the inhuman guard plied the lash until the blood from the lacerated body of the helpless prisoner ran the full length of the room. This report shows that an examination of a squad of sixty-five men disclosed the fact that thirty-five of them bore the bruises and scars from these whippings. This abuse has continued and will continue so long as whipping is allowed.

The great majority of penologists who have given a life study to the question declare against it. All the States of the Union, save six or seven, have abolished it, and conduct their prisons more successfully than Texas has with it. The Federal prisons do not allow it. Even Hawaii and the Philippine Islands has discarded it. Why, then, should Texas, in inaugurating a great reform, hold on to this relic of barbarism?

Who ever heard of a man being whipped into good citizenship? Statistics show that for the last fifty years the lessening of the severity of punishment, where tried, has reduced offenses 40 per cent.

Russia uses the knout, and Spain the bastinado, and it is now sought by law to put Texas in a class with these countries.

Statistics and experience show that corporal punishment has never reformed, but has invariably hardened the offender.

If we authorize physical torture by law, we are but returning to the barbarous punishment of the Middle Ages, and instead of bringing about a reformation of the prisoner, we raise in him a revolt against those who beat and whip him, against society and the government itself.

Instead of obeying the plain mandate to reform the criminal, expressly declared to be one of the fundamental purposes of punishment by our Penal Code, we brutalize the prisoner and

drive him into deeper degradation and teach him that abuse and vengeance is all he may expect at the hands of the State.

Let us have discipline according to modern civilized methods, and not remain on a plane with Russia and Spain.

ALEXANDER.
MAYFIELD.

SIMPLE RESOLUTION.

By Senator Meachum:

Whereas, The Hon. M. Y. Randolph of Madisonville, Texas, a former distinguished member of this body, is now in attendance upon the Senate; therefore, be it

Resolved, That he be invited to address the Senate at this time, and that he be extended the courtesies and privileges of the floor.

The above resolution was read and adopted, and the Chair appointed Senators Meachum, Terrell of Wise and Kellie to escort ex-Senator Randolph to the President's chair.

Ex-Senator Randolph was introduced to the Senate, and made a short address.

HOUSE BILL NO. 17.

The Chair laid before the Senate, as regular order,

House bill No. 17, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto: to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary: to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to restrict corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority: to provide for the purchase or sale of real estate by the Prison Commissioners: to vest title of all real estate owned by the prison system: to provide for the appointment of an auditor, and prescribing his duties; prescribing penalties for violation of this act, and repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895,

and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

On motion of Senator Brachfield, the above bill was laid on the table, subject to call.

AT EASE.

On motion of Senator Watson, the Senate was at ease, subject to the call of the Chair, the calendar of the Senate being clear.

INVITATION FROM HOUSE TO ATTEND SPEAKING.

A committee of three members of the House of Representatives here appeared at the bar of the Senate, and extended an invitation to the Senate to sit in joint session on account of the address of Governor Campbell to the Legislature today.

Senator Terrell of Bowie moved that the Senate accept the invitation, and that a committee of three be appointed to notify the house of the acceptance.

The motion was adopted, and the Chair appointed Senators Terrell of Bowie, Holsey and Alexander as the committee.

SENATE BILL NO. 10—FREE CONFERENCE COMMITTEE REPORT ON.

Senator Weinert here offered the following Free Conference Committee report on Senate bill No. 10:

Austin, Texas, September 9, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison sys-

tem; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Have had same under consideration, and beg to report that we have adjusted the differences existing between the two houses, and report the bill attached, which embodies our agreement and adjustment of differences.

WEINERT,
SENER,
MURRAY,
HUDSPETH,
WARD,

On the part of the Senate.

GILMORE,
GOODMAN,
CAVES,
LOONEY,

On the part of the House.

Following is the bill:

A BILL

To Be Entitled

An Act to establish a prison system, and declaring the policy of the State with reference thereto: to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners, as herein defined, shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing pen-

alties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment, and shall be given opportunity, encouragement and training in the matter of reformation.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are, or may be kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the policy of this State to work all prisoners within the prison walls and upon farms owned by the State, and in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares, or upon any other farm or place other than that owned or controlled by the State of Texas after January 1, 1914; provided, that all contracts for prison labor in existence at the time this act takes effect shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914; provided further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out of prisoners at the earliest practicable time.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, who shall

hold their offices respectively for eight, sixteen and twenty-four months from the date of their appointment and qualification. In the appointment of said Commissioners first to be appointed under this act, the Governor shall designate the term each one shall hold under such appointment; provided, however, that in the event of a change in the Constitution, extending the term of office of the Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment.

Sec. 5. Each member of said Commission shall, within ten days after his appointment, execute a bond, payable to the Governor of this State and his successors in office for the use of the State, in the sum of \$50,000, and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity fidelity or bonding companies authorized to do business in Texas, the form of which bond shall be prepared by the Attorney General and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State, which said bond shall not be void on the first recovery of part, or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust, until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond; and before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State.

Sec. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of three hundred dollars per month, to be paid at the end of each month, and in addition thereto he shall be allowed all reasonable and necessary traveling ex-

penses actually incurred when traveling on business of the prison system, to be paid together with said salary out of the funds of the prison system, all such expense accounts to be itemized and sworn to in duplicate and approved by the Board of Prison Commissioners, or a majority of said board, one copy to be kept with the records of the Board of Prison Commissioners and one copy to be filed with the Comptroller of Public Accounts. Each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, Texas, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy free of rent the residence houses belonging to the State at Huntsville.

Sec. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office, and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested. And any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office.

Sec. 8. That said Prison Commission shall be vested with the exclusive management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent and purpose of the laws and rules governing said system; provided, that the Prison Commission shall be held responsible for maltreatment of prisoners, and, if permitted, it shall be grounds for removal from office.

Sec. 9. That the said Prison Commission shall have the power to and it shall be their duty to appoint all necessary officers, all physicians, chaplains, teachers and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, and they shall require all appointees, who, in discharging their duties, are charged with handling any funds of the system or State, to execute bond in such amount as may be fixed by the Prison Commission, payable to the Prison Commission for the use and benefit of the State, to

be conditioned for the faithful performance of their duties.

Sec. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The Commissioners shall select one of their number as chairman. They shall designate one member to have supervision over the finances and financial transactions of the prison system, one who shall supervise the feeding, clothing, care and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be known and designated as the Superintendent of Parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may now or hereafter be in force in this State, unless otherwise directed by law. Provided, that the work of each member so designated shall be under the general supervision of and he shall report his actions to the Prison Commission. The provisions of this section are intended to facilitate the work of the Prison Commission and shall not be construed as relieving the full Board of the Prison Commissioners of any authority or general responsibility for the management of the prison system. The Prison Commission shall keep or cause to be kept in a well-bound book a minute of the proceedings of all meetings held by them.

Sec. 11. The Prison Commission shall have the authority at all times to discharge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system, or for any dereliction in duty, or whenever they may deem it to be for the best interests of the service.

Sec. 12. The Prison Commission shall have the power to purchase or cause to be purchased with such funds as may be at their disposal, any lands, buildings, machinery, tools or supplies for the benefit of said prison system, and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Board of Prison Commissioners with all power and authority necessary for the proper management of the prison system of this State.

Sec. 13. The Prison Commission shall have power, with the approval of the

Governor, to purchase such land as may, in their judgment, be necessary in the operation of said system, and the employment of prisoners confined in said prison, and in the purchase thereof they may pay such sum in cash as may be agreed upon with the vendor and for the unpaid purchase money to become due upon said land they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties, and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon, and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged, and that no personal liability against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally, as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this act shall be examined, passed upon and approved as good and sufficient by the Attorney General, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Commission, and their successors in office, as trustees for the State.

Sec. 14. The Prison Commission may buy annually so many acres of land as will, not later than January 1, 1914, or sooner, if practicable, enable all prisoners hired out or employed on share or contract farms, and who are not otherwise employed by the State, to be employed directly on farms belonging to the prison system.

Sec. 15. The Prison Commission is authorized, and it shall be its duty, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fire-proof, well-ventilated prison buildings, providing a

separate cell or room for each prisoner, as far as conditions and the welfare of the prisoners demand, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms and chapels, and other necessary conveniences for the benefit of the prisoners. The provisions of this section shall be carried out to completion as rapidly as is practicable, so that the same shall be completed in the entire system within six years from the taking effect of this act.

Sec. 16. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property at such price and on such terms as may be deemed best by them, and they may, with the approval of the Governor, sell or lease any real estate or other fixed property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall, in the purchase or sale of all real estate, or in the purchase or sale of any machinery or equipment for the prison system exceeding in value the sum of \$5000, advertise in the manner prescribed by the Prison Commission for bids for such property in at least three daily papers in this State having a general circulation, and shall give all such bids received to the public press at least thirty days before any such contract is let.

Sec. 17. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the Prison Commission, which fund shall be known as the Prison Commission Account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 22 of this act. The Prison Commission is authorized to draw upon the Prison Commission Account with the State Treasurer, such sum or sums of money and at such time or times, as in their judgment may be necessary for the transaction of the business of the system; provided, they

shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars; and, provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission Account to be paid. On December 1st of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the Prison Commission Account and send deposit receipt to the Prison Commission.

Sec. 18. The Prison Commission may at any time issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, and for such contingencies as may at any time arise concerning the management of the prison system, or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all underofficers, employees and all persons whomsoever in any way connected with the State prisons or its management, or its prisoners within and without the walls. The Prison Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employees and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system, and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employees and guards as will ascertain their knowledge of such law, rules and regulations, and any such officer, employee or guard who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

Sec. 19. It shall be the duty of some member or members of the Prison Commission to spend at least one whole day each month, without notice, at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employees connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept, may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 20. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiaries at Huntsville by the sheriffs of such respective counties, if such sheriffs are willing to perform such services as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account, and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at the penitentiary at Huntsville the Prison Commission shall cause a statement to be made by the prisoner, giving a brief history of his life, and showing where he has resided, the names and post-office addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall, by correspondence or otherwise, verify or disprove such statements, if practicable, and shall preserve the record and information so obtained for future reference.

Sec. 21. The Prison Commission shall cause to be made annually on the 1st day of January, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description belonging to the prison system, and shall cause to

be set opposite each item the book value, and also the actual value of the same, so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system a system of books, showing a separate account with each industry and farm and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the 1st day of January to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system and the methods of dealing with the convicts thereof.

Sec. 22. The member of the Prison Commission designated by the board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission from every source whatsoever, and shall sign all vouchers or warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officer or employe at stated intervals. All deposits of prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accountants and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the Prison Commission, in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer, one of the other Prison Commissioners may sign such receipts, warrants or vouchers.

Sec. 23. On the taking effect of this

act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and the State Treasurer a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the 1st day of January of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and State Treasurer, or by a majority of said officers, for any incompetency, neglect, failure or refusal to discharge the duties of his office, or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and State Treasurer renders him unfit for said office, and in the case of the discharge or resignation of any auditor, another shall be appointed by said officers or a majority of said officers. During the term of his services such accountant shall be paid monthly a salary of two hundred dollars per month and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

Sec. 24. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 25. Except for third-class prisoners, within a reasonable time and not later than six months after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

Sec. 26. The Prison Commission shall, as soon as practicable, provide each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language and industrial

education, and such other instruction as they may prescribe, and shall provide suitable recreation for the prisoners at reasonable hours, including music, and they shall employ such number of competent teachers to instruct the prisoners in the same as in the judgment of the Prison Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such schools. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library, and may adopt such other means of distributing among the prisoners good and wholesome literature, as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall, as far as practicable, be taken from the convicts, and such teachers may be excused from further labors. The chaplain shall be ex-officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

Sec. 27. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty; provided, that chaplains may also be teachers, as provided for in this act.

Sec. 28. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office or shall become incapable or unfit to discharge his official duties, or shall wilfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by Article 3528, Revised Statutes of 1895.

Sec. 29. The Prison Commission shall, except as provided in this act, fix the salaries of all officers and employees of the prison system upon such basis as the labor and ability of the officer or employee entitles him to, such salary to be paid monthly at the end of each month. They shall pay to those em-

ployed as guards of the convicts a salary of not less than thirty-five dollars per month and furnish them board and lodging free; provided, that for meritorious service and adaptability to the work, the Prison Commission may increase the pay of any guard to an amount not to exceed forty dollars per month. No person shall be employed as a guard to guard convicts who is not at least 21 years of age, of good moral character, and who is not able to read and write, and has not a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the Prison Commission shall require all officers and employees connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the Prison Commission shall require all officers and employees connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 30. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared, under wholesome sanitary conditions and in sufficient quantity and reasonable variety, and they shall hold all underofficers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 31. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 32. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known,

and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept, they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence or otherwise.

Sec. 33. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this act, to provide every reasonable and practicable means for the encouragement of such reform. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than others, and likely to observe the laws, and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work, and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible, or so insubordinate, or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another, and shall transfer them from one class to another from time to time, as they may seem to merit promotion or reduction. The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner, upon entering the prison system, shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade, which shall be known as grade No. 2, and in which he shall be furnished with a suitable

uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade, which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline and for demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided. In order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, and placing prisoners in stocks shall be prohibited. Whipping, with not exceeding twenty lashes on the bare rump and thighs may be resorted to with prisoners of the third class, who can not be made to observe the rules by milder methods of punishment. The strap to be used must be of leather, not over two and one-half inches wide, and twenty-four inches long, attached to a wooden handle; no convict shall be whipped until same has been authorized by at least two members of the Prison Commission upon their written order, and such order so issued shall be executed only in the presence of a prison physician, and a sworn report shall be made by the officer executing such order to the Penitentiary Commission, who shall keep a record of all such report in a well-bound book, to be kept for that purpose, which shall be at all times open to public inspection; and such report so to be made by such officer executing the order of the Penitentiary Commission, shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Penitentiary Commission to make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby

authorized to make investigation thereof, if they deem same advisable. The utmost care must be used by the officer executing the order of the Commission not to break the skin of the prisoner whipped, and any person guilty of whipping a prisoner more lashes or other than as provided herein, or striking a prisoner, except in self-defense, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$250, and imprisoned in the county jail not less than thirty days nor more than six months. White and negro prisoners shall not be worked together when it can be avoided, and shall be kept separate when not at work.

Sec. 34. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable, the Prison Commission shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners, and shall provide reasonable rules and regulations for the government of the same.

Sec. 35. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such that they can perform any physical labor; provided, that in the absence of the physician the matron shall pass upon the physical condition of said female prisoners.

Sec. 36. The Prison Commission shall keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 37. At the place where female prisoners are kept none but married men shall be employed as guards, and the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live. And said guards shall be allowed \$10 per month in addition to his salary in lieu of his board, said houses not to be situated further than one hundred yards from the main prison building where such female prisoners are kept.

Sec. 38. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

Sec. 39. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of 10 cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this section 25 cents per day for each day of such good time so forfeited; provided, that when such prisoner has a family or relatives within the second degree by consanguinity or affinity, dependent upon him, such saving shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives then said saving shall be paid to him upon his discharge from prison. And if he be a life-term prisoner such saving may be paid as directed by him, with the approval of the Prison Commission. But if he should die in prison without such dependent relations such saving shall revert to the State.

Sec. 40. No prisoner shall be worked on Sunday except in cases of extreme necessity, and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of \$1 per day for each Sunday so worked.

Sec. 41. The various provisions of this act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 42. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not

be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term, the commutation allowed for one month of such year may be forfeited, for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape, the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 43. Hereafter, life or long-term prisoners who have actually served fifteen years and have no sustained charges of misconduct and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation, as if originally sentenced for a term of years, except the Governor shall otherwise direct.

Sec. 44. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only the Prison Commission may allow the prisoner to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining room each Monday morning for the coming week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 45. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission; provided, that no prisoner shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner, which shall not be less than one hour. And in case of such extreme and unavoidable emergency said prisoner shall receive out of the funds of the prison system the sum of 10 cents per hour for such work so performed more than ten hours per day. In going to and returning from work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until first having been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 46. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place shall be accordingly removed.

Sec. 47. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of a prisoner's money who misappropriates the same, or any part thereof, shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary for a term of not more than five years.

Sec. 48. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the Prison Commission out of any available penitentiary funds on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried in citizen's clothes, and the grave marked by a stone with the name of said prisoner, date of death, and age, if known, inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section, who shall fail to discharge such duties, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

Sec. 49. The Prison Commission, or other person in charge of prisoners, upon

the death of any prisoner under their care and control shall at once notify the nearest justice of the peace of the county in which said prisoner died of the death of said prisoner, and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner, and said justice of the peace shall reduce to writing the evidence taken during such inquest and shall furnish a copy of the same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died, and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury if there should be any suspicion of wrongdoing shown by the inquest papers to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on sworn account therefor, approved by the Prison Commission.

Sec. 50. The Prison Commission shall provide for competent medical attention for all prisoners, and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in practice. Each physician employed in the prison system shall at the end of each month file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the names, race and sex of each prisoner treated, or examined by him during said month, the malady or disease with which each was afflicted, and if any shall be suffering with wounds or injuries inflicted by accident or some individual he shall state the nature and

extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said months as he may possess; provided further, that for a failure to make such a report or any false statement knowingly made by any such physician in any such reports he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 51. The Prison Commission shall also provide a competent dentist or dentists whose duty it shall be to care for the teeth of the prisoners; such dentist or dentists shall at the direction of the Prison Commission visit the various places where prisoners are kept or worked at such intervals as may be prescribed.

Sec. 52. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed, signed by the Chairman of the Board of Prison Commissioners, giving the prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit and unredeemable and non-transferable railroad transportation to the nearest depot from whence sentenced, but, if such prisoner prefers, he may receive such transportation to any point in this State designated by him.

Sec. 53. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 54. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner as may be fixed by the Prison Commission, and to be paid as directed by the Prison Commission.

Sec. 55. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing or other property belonging to or under control of the prison system shall be guilty of theft, and upon conviction be punished as prescribed by law.

Sec. 56. Any officer, agent or employe in any capacity connected with the prison system of this State who shall be financially interested, either directly or indirectly, in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 57. Any sergeant, guard or other officer or employe of the prison system of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system shall be guilty of an assault, and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner; provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners and ex-prisoners shall be permitted to testify.

Sec. 58. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaging in or knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 59. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points and the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all official acts.

Sec. 60. The Prison Commission, by

and with the consent of the Governor, shall have the power to work convicts on public works, when they can not employ them on the State farms or within the walls by reason of some unforeseen calamity, such as failure of crops, or the destruction of crops by wind or flood. When convicts are worked on public works owned by the State or a subdivision of the State, the humane provisions of this act shall be strictly complied with.

Sec. 61. Chapters 1, 2, 3, 4, 5, 6, 7 and 8, Title 79, of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith, are hereby repealed.

Sec. 62. In view of the fact that the terms of office of the Superintendent, the Assistant Superintendent and the Financial Agent of the penitentiary system do not expire until about January 20, 1911, and the further fact that the penitentiary system is a large business enterprise, and to make the changes in the management thereof provided in this act will require some time, and the further fact that the crops grown upon the State farms are now being harvested, and the harvesting thereof will not be completed before January next, it is deemed expedient that this act shall take effect January 20, 1911, and not before, and it is so enacted.

Sec. 63. If any provision, or provisions, of this act shall be held invalid, the remaining provisions shall not be affected thereby, but the same shall be given full force and effect.

RECESS.

Pending the reading of the above report, on motion of Senator Murray, the Senate recessed until 2 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 10.

Action recurred on the Free Conference Committee on Senate bill No. 10.

Pending discussion on the above, Senator Senter asked to have the following letter read, and asked unanimous consent to be printed in the Journal.

Following is the letter:

Seattle, Wash., September 1, 1910.

Hon. E. G. Senter, Senate Chamber, Austin, Texas.

My Dear Senter: Your favor of August 24 has just reached me, being delayed by my absence at my summer home on Orcas island.

I have never undertaken to formulate my ideas in opposition to the indeterminate sentence laws of this and some other States, but my most solemn and emphatic conviction is that they are unsound in principle, unjust in operation, and wholly unwarranted by any existing defect in laws such as have obtained in Texas since she became a State.

No doubt there is room and necessity for reform in the methods of penitentiary management and discipline, for the brutality and sordidness of modern prison methods in most countries are too well known to require exposure; but that does not require nor justify a wholesale revolution in our whole system of penal laws, much less a radical and ruinous departure from the well-settled principles and rules of criminal jurisprudence. This fad for reform and reorganization in our plain and practical institutions of criminal legislation is simply one of the prevailing crazes that have taken hold of the public mind in late days in the United States, born of a hysterical philanthropy that would obliterate all fundamental ideas of crime and punishments. It is part of the theoretical philosophy of life that has found its chief exponents among weak-minded men, preachers and meddlesome women. Oliver Wendell Holmes a long time ago said that "The desire to better the conditions of their fellow-men and to reconstruct society upon a Utopian basis leads many men and most women along the border line of insanity," and never was the truth of this statement more thoroughly demonstrated than in the numerous plans for making nice boys out of vicious weaklings in the juvenile court, and coddling desperate criminals on a diet of moral mush and milk doled out by prison parsons and gospel cranks, aided by those social pests—the modern female evangelists, who are in a perpetual spiritual sweat to manage somebody else's affairs and the country in general. All of this agitation along the lines of prison reform and a revolution in our system of penal laws and procedure emanates from that school of pestiferous marplots,

which had its birth in New England and has reached its maturity in Kansas and Colorado. Texas should have none of it.

Every thoughtful lawyer at all familiar with the criminal laws and procedures of this country knows that the Texas Code of Penal Law and Procedure is more nearly perfect in its conception of human rights and public protection and more nearly effective and just in its practical operation than that of any American State. The Supreme Court of the United States so stated in a well-considered opinion many years ago, and I myself know that your system is so far superior to anything that exists in this section that a man would be a fool to change it for the recently adopted code of Washington.

Now, as to indeterminate sentences:

They are fundamentally wrong and incompatible with the idea of certainty and accuracy in the administration of criminal justice. The wisest provision in the Texas code is the one that declares that no offense shall be punishable that is not accurately and definitely defined, and the exact punishment affixed thereto. To adopt the indeterminate sentence would be to abolish this most salutary and effective safeguard of human rights and liberties, a safeguard that has met the approval of your own courts for more than half a century and has challenged the admiration of all other courts in the country.

Again, to inaugurate the indeterminate sentence system is to take away from criminals that equality before the law that even convicts are entitled to demand, and it will inevitably beget a sense of helplessness, injustice and sullen resentment in the bosoms of the majority of the convicts that will be worse than any imaginary incentive to good behavior can overcome. Under the system as it prevails here and elsewhere that it has been adopted, the shortening of the sentence depends upon the convict's prison record as reported to the Board of Pardons or some other tribunal of that kind. That makes his term of service dependent upon personal favoritism among the prison officials, and personal, professional or political "pull" by his lawyer with the pardoning power. If he happens to have no influential friends to help him out, and is of a disposition not to curry favor or ingratiate himself with the officials in the penitentiary, he will serve out his full time and feel that he has been the victim of gross injustice, than which I

know of no more deadening and exasperating emotion in the human heart. Read a story that ran in the "Saturday Evening Post" some two years ago, being a fairly correct account of the experiences of the celebrated outlaw Tracy in the Oregon penitentiary. It was called "Number 10001," or some such title, and it shows only too plainly the abuses that grow out of permitting or encouraging a system of rewards and favors inside the penitentiary after a man has been convicted and sentenced by a court of justice. The true and just theory and practice should be to arraign a man on a definite and well-defined charge for which the punishment has been accurately and certainly fixed in advance, and upon conviction he should be doomed to a definite and exact punishment, the infliction of which he should stand in like case and upon strict equality with every other convict of the same class, instead of being subject to the capricious favoritism or disfavor of prison officials or fellow-prisoners. If any concession or commutation is to come to him, let it come as a gift of mercy, gratuitously and voluntarily bestowed, and not as the result of political lobbying and personal influence among outsiders or insiders. In no other way can the convict receive equal and exact justice or the law be sanely and safely satisfied. That is my judgment, based on reason, experience and considerable study of the subject.

Another disastrous result of a wholesale and radical change in your criminal laws and procedures will be the complete confusion and uncertainty that will be produced in the whole criminal jurisprudence of the State. The Texas criminal decisions, extending over a period of nearly three-quarters of a century, are justly considered among the soundest and wisest in the whole literature of the law, both in this country and abroad. Our people and the lawyers and courts know them and respect them, and to brush them all away by a bill to revolutionize the criminal code of the State would be not merely folly; it would be nothing less than a crime in itself.

This State was foolish enough to adopt a new code of criminal law and procedure outright at the last Legislature, and we are now suffering the consequences in the disordered and bewildered condition of our courts and trials. Nobody knows how much of it is unconstitutional or what most of it means, and

it will take ten years to clear away the wreck that has been wrought by such ill-timed and unnecessary legislation. A State's system of laws, derived from its statutes and decisions, is a part of its civilization and social fabric. It has grown up with the State's necessities and intelligence; it is bone of the bone and blood of the blood of the commonwealth itself, and no newly imported and ready made system, however perfect and desirable theoretically, can take its place and serve its purpose.

I have dashed off the above views hurriedly, and for what they are worth you can take them or reject them. I am sure that they are sound and defensible from all points of view, and I do hope you can defeat this new move to destroy the ancient landmarks that our fathers set up in the old times before us. Those men were wise in their own generation, and they builded for posterity with a patriotic prevision and prophetic ken that it is wanton wickedness to ignore, in search of some new-light phantom of reform bred from the maw of modern socialism.

Yours very truly,
DUDLEY G. WOOTEN.

SIMPLE RESOLUTIONS.

(By Unanimous Consent.)

By Senator Holsey:

Whereas, Master J. T. Wade, of Johnson county, a splendid youth of fourteen years of age, and a magnificent page of the last Senate, has just arrived in the city; and

Whereas, He has traveled many miles by himself for the express purpose of meeting the Senators that he served so well; therefore, be it

Resolved, That he be allowed the privileges of the floor of the Senate.

HOLSEY,
ALEXANDER,
WARD.

The resolution was read and adopted.

By Senator Peeler:

Be it resolved, That the thanks of this Senate be tendered to Mr. O. D. Parker, local agent of the Western Union Telegraph Company, for the daily weather reports furnished the Senate.

The resolution was read and adopted.

By Senator Terrell of Bowie (by unanimous consent):

The press of Texas having for years advocated reform in our penal institutions, and this agency together with efforts of certain public officials having brought about such a public demand for reform in these institutions as has resulted in the present reform measure now being passed in the Legislature of the State of Texas; therefore, be it

Resolved, first, That the thanks of this Senate be tendered to the press of the State; second, that the thanks of the Senate are especially tendered to those special correspondents of the great daily papers of the State who have made such an exhaustive study of the penal system and gave it to the public through their respective papers as to have resulted in the great reform measures that are now being passed through our bodies.

The resolution was read and adopted.

INVITATION TO ATTEND BANQUET.

By Senator Senter:

Dallas, Texas, September 8, 1910.

Hon. E. G. Senter, State Senator, Austin:

Upon your return to Dallas after adjournment of Legislature a large number of your friends desire to tender you a banquet, thus affording some slight recognition of your distinguished services as a Senator. I am commanded by them to request you to extend to the Lieutenant Governor and your fellow Senators and the Representatives from Dallas and Rockwall counties a cordial invitation to be present. Upon receipt of definite information as to adjournment we will advise you of date and hour of banquet.

W. H. PATTERSON,
Chairman.

On motion of Senator Mayfield, the above invitation was accepted by a rising vote.

EXCUSED.

On motion of Senator Ratliff, Senator Greer was excused from further attendance of this session, on account of important business.

(Senator Terrell of McLennan in the chair.)

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senators Meachum, Alexander, Terrell of McLennan and Holsey:

Whereas, The Senate of Texas has received a telegram from our esteemed fellow Senator, John G. Willacy, as follows:

Corpus Christi, Texas, Sept. 5, 1910.

Senator McDonald Meachum, Senate Chamber, Austin, Texas.

My Dear Senator: Let me thank you for your letter of 3d instant, and especially for the generous expression of sympathy and friendship from yourself and our colleagues. Am pleased to say I am improving nicely, but regret my absence during the closing hours of the Senate. The esteem of its members has been my best physician, as their confidence is my most valued treasure. No life is wasted if in the end it can command the esteem of those who know us best, nor is there any higher encomium than an acknowledgment that public services have been useful. I shall not say "Good-bye." Let it be "Good night," or "Good day," in the hope that our footsteps may be guided toward each other frequently and our lives more and more interwoven with each advancing year.

Do not fail to remember me to our fearless, upright Lieutenant Governor.

Wishing each member and assistant God's richest blessing in prosperity and happiness, I am,

Sincerely and thankfully,
JOHN G. WILLACY.

And, whereas, Information that Senator Willacy is improving has been received, to the sincere gratification of the members of this body, and indications are that through the beneficence of a kindly Providence this able, useful and honorable public servant will be spared for further service; and

Whereas, By his upright conduct, his patriotic devotion to the public service, his genial disposition and manly deportment Senator Willacy has endeared himself to his colleagues of this body, who deeply sympathize with him in his illness, and wish for his speedy and permanent recovery to health; therefore, be it

Resolved, That in the closing hours of this Fourth Called Session of the Thirty-first Legislature we convey to Senator Willacy this message of our love

and esteem and our assurance that though he is unable to be with us in person, being stricken by illness, the memory of his genial spirit is ever present with us and he is not and shall not be forgotten. May He who guides and directs the destiny of all nations and people's spare our beloved friend for yet greater service and reward.

Resolved, further, That this resolution be printed in the Journal and that a copy hereof be forwarded by the Secretary of the Senate to Senator Willacy at his home in Corpus Christi, Texas.

The resolution was read and adopted by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Ratliff.
Holsey.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Bryan.	Terrell of Bowie.
Real.	

Absent—Excused.

Greer.	Veale.
Perkins.	Willacy.
Sturgeon.	

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Brachfield:

Whereas, The Fourth Called Session of the Thirty-first Legislature is drawing to a close; and,

Whereas, We desire to commend the officers and employees of this Senate for the faithful service performed by them; therefore, be it

Resolved, That we commend the officers and employees of this body for the prompt and efficient service rendered during this Called Session. Be it further

Resolved, That we especially commend the able, faithful and impartial services of the Hon. A. B. Davidson, President of the Senate, in presiding over this body. That he has at all times, as presiding officer of this Senate, been faithful to his duty, faithful to the public

service, fearless and impartial in the discharge of his duty, with the manifest purpose of doing "equal and exact justice to all," and with an eye single to the welfare of the whole people of Texas.

Resolved further, therefore, That it is appropriate that we, the members of the Senate, in recognition of the able, impartial and upright manner in which he has discharged the important duties of presiding officer, manifest to him our appreciation therefor, and we do here now express to him our thanks for his faithful and satisfactory service to this body and to the State of Texas. Be it further

Resolved, That this resolution be printed in the Journal, and that a certified copy of the resolution, certified by the Secretary of the Senate, be furnished said Hon. A. B. Davidson in testimony of the matters herein contained and of the esteem in which he is held by the membership of this body.

WATSON,
BRACHFIELD.

The resolution was read and adopted by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Ratliff.
Holsey.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Bryan.	Terrell of Bowie.
Real.	

Absent—Excused.

Greer.	Veale.
Perkins.	Willacy.
Sturgeon.	

AT EASE.

Senate was at ease, subject to call of the Chair, and was again called to order by Lieutenant Governor Davidson.

On motion of Senator Hudspeth, the

EXCUSED.

On account of important business:

Senator Real for today and balance of this session, on motion of Senator Watson.

Senator Bryan since Tue-day and the balance of this session, on motion of Senator Holsey.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 9, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 10.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 10.

Action recurred on the Free Conference Committee report on Senate bill No. 10, and the same was adopted by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Ratliff.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—1.

Hume.

Absent—Excused.

Bryan.	Sturgeon.
Greer.	Veale.
Perkins.	Willacy.
Real.	

Senator Weinert moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

Believing that an all-wise Creator will in time inspire in the hearts of the Legislators such a repulsive sentiment against corporal punishment in the prison system, and further believing that the proposed law, with the exception of the clause permitting the use of the "strap or bat" to be a great improvement over the laws on our statute books today, and that the public conscience is just beginning to awaken to the horrible condition prevailing in our prison system, to the end that still better legislation than this will be enacted, I vote "aye" on the Free Conference report to Senate bill No. 10, the penitentiary bill. We are living in a civilized age, barbarities such as the "Bull Durham," the drunken guard, with his trained dogs and bull whips, like all other relics of barbarism, must go. I believe that under this law such a high order of men will be selected to manage our prison system that, although against my wishes the "bat" was retained, still its use is hedged about with so many "safeguards" that the many brutalities of the past will be greatly diminished. The proponents of the bat cry against the opponents of the bat "sickly sentiment." Well, I may err, and have many times in my legislative career, but God being my witness, I sincerely trust that when I do err, it will always be on the side of humanity.

HUDSPETH.

The penitentiary bill in its present completed form as it comes from the Conference Committee eliminates the features of the Senate bill, which we considered objectionable, in that the half million dollar appropriation is cut out, the proposal to allow convicts to testify in all cases, civil and criminal, is eliminated and substituted by a proper provision to allow such evidence only when the charge involves mistreatment of a convict, and a just parole proposition has been placed in the bill in lieu of the Senate provision; therefore, we vote for the measure in the interest of prison reform, which we favor. Among the many wise reforms in the bill are Section 58, proscribing all forms of gambling in the penitentiary on the part of convicts, guards and all others, and Section 20, forbidding the appointment of any guard who is in any way addicted to the use of intoxicating liquors. The leaders of this great reform have at last, for once, voted to suspend the

"personal liberty" of the individual and to establish at least a few absolutely dry spots in Texas.

COFER.
BRACHFIELD.

JOINT SESSION.

In accordance with former action today, the Senate, at 3:50 o'clock p. m., repaired to the Hall of the House of Representatives, there to attend the address of Governor Campbell, the Senate having agreed, by motion, to recess until 8 o'clock tonight, when it returned from the House.

RECEPTION TO GOVERNOR T. M. CAMPBELL.

At 3:50 o'clock p. m. the Honorable Senate of Texas was announced at the bar of the House, and, accompanied by Sergeant-at-Arms Hornbuckle, Secretary Clyde D. Smith and Journal Clerk R. M. Gilmore, the Senators advanced into the Hall and occupied seats already prepared for them.

Hon. A. B. Davidson, President of the Senate, was invited to a seat on the rostrum by the Speaker.

At 3:55 o'clock p. m. Governor Campbell, under the escort of Messrs. Elliott, Spradley and Bartlett, the committee heretofore appointed, appeared at the bar of the House, and approached the Speaker's stand.

Governor Campbell was then presented to the Joint Session of the Legislature and the assemblage by Speaker Marshall, who said:

Senators, Gentlemen of the House, Ladies and Gentlemen:

In this, the closing hours of the Thirty-first Legislature, it is fitting, and we are delighted to "pay him honor to whom honor is due." His courage, his wisdom, his executive ability and the strength of his character will leave its impress, and his name will be forever and indelibly written in the pages of the history of our great State.

I present to you the friend of the people—our Governor. (Long applause.)

Governor Campbell then spoke as follows:

Mr. Speaker, Mr. President, Gentlemen of the Legislature, Ladies and Gentlemen:

I thank you very much for the cordial reception you give me. It is probably

not fitting, nor do I suppose that I am expected to speak at any great length. And yet, it would not be courteous to you nor in keeping with my own inclination were I not to make some response to your generous invitation. Your resolution inviting me to address you at this time does me a great honor, and I am grateful for the complimentary introduction accorded me by my more than partial friend, Hon. John Marshall.

The record of this House made in the Third and Fourth Called Sessions is creditable, and I congratulate you and the people of Texas upon the work done. (Applause.) Indeed, this great representative body has so borne itself at all times as to merit the commendation of honest men everywhere. (Renewed applause.) It is an honor to any man to address the membership of this House upon its invitation. It has upheld my hands at every turn, and I thank those who have co-operated with me. I wish also to thank both houses of this Legislature for the co-operation in those things tending to promote the welfare of the people and the honor of our State.

A brief review of legislation and of the policies enforced during the present administration is probably expected, and is deemed appropriate on this occasion. Four years ago I received from the Democracy of this State the nomination for Governor. With the nomination went a platform of principles and policies which not only met my approval, but which represented the heart and conscience of the great toiling and producing masses of our people. I had made my campaign on living issues of vital moment. Questions of commanding importance were discussed before the people throughout that campaign. My candidacy had nothing either secretive or furtive about it. I was ambitious to attain the Governorship, not for the honor alone, but also for the good that I hoped to achieve. I was elected at the general election in November, 1906, and with me was elected a Legislature that will, for its useful service and its fidelity to the people, ever be memorable in the history of this great commonwealth. (Applause.) Sustained by that great representative body and backed by the loyal Democrats of the State, practically every pledge made by the Democratic party to the people was redeemed. We gave a practical demonstration of the fact that the people can rule when they will, and of the untruth of the

statement that platforms were only made to get into office on. In a second campaign upon the record already made and upon issues involving other needed legislation, I was again nominated, and was re-elected in November, 1908, upon a platform made and endorsed by the people, and every pledge contained in that platform that could be redeemed by legislative enactment and administrative policies was redeemed in letter and spirit. (Applause.) In carrying the people's will into laws, obstacles were encountered at every step. The subsidized newspapers and that miserable brood of hired politicians then infesting this capital opposed the enactment of all good laws, and afterwards sought, and still seek, by malignant misrepresentation, to mislead the masses of the people in whose interest they were passed. The platform demand for the submission of a constitutional amendment providing for Statewide prohibition to a vote of the people was defeated in the Regular Session. Having been defeated in Regular Session, it was lost, as a Called Session of the Legislature can not submit constitutional amendments. I have never agreed that it was proper for the Legislature to refuse to submit this question as the platform of the State Democracy demanded, but I have never found it in my heart to condemn those legislators who had agreed to abide by the result of the election in their respective districts and who had become candidates, pledging themselves to obey the instructions of their districts. I believe, however, that they made a mistake. I believe that on general questions involving State policies that the action of the State Democracy and the demands of the State platform should control the Governor and the Legislature. In matters purely local the county or district can with propriety direct its representatives, but in matters pertaining to the State as a unit and in State primary elections and conventions in which the county and district participate, they all become bound by the general policy enunciated by the State platform, and, as Democrats and patriots bind themselves, they should remain bound for the good of the State and of all the people. (Applause.) Much has been said and much has been written tending to reflect upon the integrity of members of this Legislature. Charges have been made that money and other undue influences were employed to defeat the submission of the

prohibition amendment and to otherwise corrupt the Legislature. In my heart I do not believe that a single dollar has ever been used to corrupt the membership of this Legislature. (Applause.) I do believe, however, that if money was sent to the agents of special interests here in Austin to corrupt the legislators and to influence legislation that the scoundrels who received it put it in their own pockets, and at the same time induced the contributors to believe that they were using the money to corrupt the people's representatives. (Applause.) I believe, further, that if there ever was a law needed, it was the measure introduced under a subject given to the Third Called Session of this Legislature prohibiting saloons and breweries from contributing to political campaign funds. (Applause.) It is needed not only for the protection of the ballot in its purity, but also for the protection of the breweries and saloons from the exactions of this brood of hired grafters and politicians who are using the liquor question as a pretext for robbing and plundering them. (Laughter and applause.) The breweries and saloons are licensed by law, and as long as their business is legalized, there is, on the part of the State, an implied promise of protection under the law, and I, for one, favor such protection by adequate laws. And again, I believe that the bill introduced in the Third Called Session prohibiting the sale of liquor within ten miles of our great State University should have been passed. (Prolonged cheering and applause.) The bright young manhood of Texas, the flower of this State, who come to the University for their education and who will some day be charged with the duty and responsibility of guiding Texas in her growth and to her higher and brighter destiny and who will participate in guiding the old ship of state, should be protected from the nefarious influences of the saloon. This is a proposition that has found a response in the great heart of the people of Texas. It will not down, and you and I will live to see the day when there will not be a saloon nor a dive within ten miles of our State University. (Applause.) I also proposed a law under which saloons would be closed at nightfall and remain closed during the darkness of night. That bill was defeated. Most of the crime attributable to the saloon and its evil influences occurs under the shadows of night. These are not prohibition meas-

ures. They are regulatory. The opponents of such restrictions always claim that while they oppose prohibition they favor regulation, but it is a noticeable fact that they only favor regulations and regulatory measures when they can't help themselves. (Much applause.) You enacted some good laws strengthening local option during the Third Called Session, which I am sure the people will appreciate. You may depend upon it that the patriotic men of Texas will attend to this other business later on. (Applause.)

We have had four called sessions of this Legislature, and all for the good of Texas. Those who complain at called sessions of the Legislature should look at the results and should consult the laws of the two called sessions of the Thirtieth Legislature and of the four called sessions of this Legislature. I do not regret any extra session of my administration, because we have gotten something good for the people of our State out of each call that I have made. In these battles for the masses of the people, I have tried to be patient, and, gentlemen of the Legislature, no one knows better than you, that I have been patient. (Laughter and applause.) The ends sought justified patience, and the victories won for the people are ample rewards for me and for those co-operating in the good work. (Applause.)

Let any man call the roll of the splendid legislative achievements entered to the credit of the Democratic party during my administration, and who is not proud to belong to a party with such a record? We drove the professional lobbyist from our legislative halls; yes, at least, from our legislative halls. We prohibited insolvent corporations from doing business in Texas. We prohibited by an effective law the free pass evil, destroyed its power for harm and paved the way in some future time for reduced passenger and freight rates. These three propositions embodied the remaining reforms, the unfinished work of the immortal, the sainted Governor Hogg. (Applause.) We drove the bucket shop gambler from the borders of our State. (Applause.) An evil that was breaking more lives, blighting more homes and destroying more fortunes than all the gambling devices in Christendom. We put a stop to the practice of nepotism, a practice that was impairing the efficiency of the public service everywhere. We put the gambler out of business and put out, let it be

hoped forever, the lights in his palace of hell. (Applause.) Race track gambling is now prohibited. Bootlegging was made a felony. A law making the occupation of selling liquor in local option territory a felony put the blind tigers out of business. (Applause.) We established with proper safeguards and checks a new system of accounting in the departments of the State Treasury, Comptroller and General Land Office in lieu of the crude and inadequate system heretofore obtaining, and we now have an up-to-date accounting system. The reorganization of these departments under the new laws will not only add to their efficiency, but will result in an annual saving of thousands of dollars to the taxpayers of Texas. We established a fair system of uniform and just rendition of property for taxation, by which an unjust burden was lifted from the shoulders of the honest man with moderate means and the tax dodgers and corporations made to pay some fair share of taxation. To lighten the burdens unjustly borne by the masses of the people, it became necessary to explore new fields for revenue and to tax by other than ad valorem methods those interests and those corporations that were receiving the protection of the government and not contributing their just share of the expenses. The corporation tax laws enacted include the gross receipts tax law, intangible tax law, franchise tax law, charter fees, permit fee law, and then the increased occupation tax on the liquor business, while the occupation tax on all useful occupations was abolished. The property taxpayer and home-owners, who had theretofore paid more than their share of the taxes, are the beneficiaries. To illustrate, the man with a home worth \$2500 paid \$5 State ad valorem taxes in 1906, and this year he will pay only \$1 for the support of the State government on the same \$2500 home. (Applause.) The tax on the home for State purposes is almost wiped out and on the small home it should be, so that the people will be encouraged to acquire homes. Rivet the man to a home and he will love his country more. I have never said that the small home should be exempted from taxation for school, county and local purposes, but that an exemption of the home to the extent of \$2000 or \$2500 for State purposes is practicable, and to the end that the lightest possible burden should be laid upon the home this should be done.

The State ad valorem taxes collected

in 1906 were \$2,450,000. And so well has the new system worked that we have to collect only about \$940,000 State ad valorem taxes this year. The great reduction in taxation against the property of the masses of the people here shown has been made notwithstanding the fact that the appropriations to be provided for the current fiscal year for the support of the State government exceeded those of 1906, the year before the new system was enacted, by about \$500,000, counting the deficiencies that were paid for that period. The values have increased, of course, but the tax rate was reduced under the operation of the new automatic tax law from 20 cents in 1906 to 12½ cents in 1907, to 6½ cents in 1908, to 5 cents in 1909, and further reduced to 4 cents on the \$100 in 1910. (Applause.) The State school rate reduced to 16½ cents and the average county rate reduced from 56 cents to 43 cents. A record without parallel, as I believe, in the American Union. (Applause.) Confronted as we were on the date of my induction into the office of Governor with an estimated deficiency of \$300,000, taxes have been reduced, less money has been taken from the people in proportion to property owned for the support of their State government than ever before, and we have \$1,311,788.29 in the State Treasury to the credit of general revenue today. An unparalleled impetus has been given to all public improvements and the financial condition of the counties of Texas are in a healthier state than ever before.

The appropriations to meet the State's requirements which must be provided for the present fiscal year amounts to approximately \$3,700,000, only \$940,000 of which must be collected on the tax rolls of the State, and under the new intangible tax law more than \$175,000,000 of intangible values of railroads go upon the tax rolls this year, by virtue of the new intangible tax law, to assist the people in paying that comparatively small sum. The balance of \$2,760,000 comes from other sources not heretofore yielding their just share of the expense of the State government, and largely as a result of the new laws. These intangible values of railroads now yield about \$900,000 in county taxes and thus aid in reducing the rate, and consequently the tax burden upon the people in the counties, and they swell the State's available school fund about \$300,000 an-

nually, and the general revenue more than \$80,000.

My critics are continually promising a deficiency and a depleted State Treasury, notwithstanding the healthy condition of our State Treasury, as now shown. The deficiency refuses to materialize and they are, of course, disconcerted and disappointed. Under the new automatic tax law a deficiency need not occur, as a method is prescribed by which the tax rate is fixed to meet the necessities of the government after the taxable values of each year have been ascertained. They deride and question the wisdom of the present low tax rate. I have always believed that it was a crime to take one single dollar from the people in the way of taxes that is not needed in an honest and economical administration of our government. (Applause.) Under the new automatic tax law the low rate of 4 cents this year will yield revenue sufficient to meet the State's necessities, and that rate was accordingly fixed. In view of the State's prosperity and of the splendid condition of all of our State institutions, I can imagine no excuse for increasing appropriations in the near future. (Applause.) Appropriate economy in the administration of our State government and the rigid enforcement of our corporation tax laws will obviate the necessity for increasing the tax rate and the tax burdens on the people. Extravagance in government and failure to enforce the law has never been and will never be accepted as a justification for unduly burdening the people with taxes. (Applause.)

We have been able, too, within this time, by means of these and other wise tax measures, for the first time in our history, to insure an average school term of more than six months throughout the State. (Applause.) This year the State apportions \$1,998,180 more money than was ever furnished by the State to free schools during any year prior to this administration. An average increase of more than \$12 per month is being paid the teachers in the public schools, and a higher order of efficiency thereby secured. Over \$5,000,000 have been expended in building new schoolhouses in the last three years.

An Agricultural Department, along the lines advocated by me in the campaign of 1906, was established, and in its general usefulness and commanding importance that department is not sur-

passed by any department in the State government. (Applause.)

During my time, labor has indeed come into her own. A Labor Bureau, destined under wise management to be of incalculable benefit to all the people of Texas, has been established. About twenty-eight laws, all fair and just, have been enacted at the request of organized labor, and that law recently enacted and now known as the I. & G. N. claim bill, and which in reality was an amendment to the stock and bond law, is of general interest to all the people and is probably of more importance to labor than any measure heretofore enacted. This measure alone is worth to Texas the expense of forty called sessions of the Legislature. (Applause.) An effective mine inspection law has been passed, also a law against blacklisting. The laws strengthening our anti-trust laws, and providing for their enforcement, have already borne good fruit.

Laws better regulating the liquor traffic and other laws making more effective and making more certain the enforcement of the local option laws. Our life insurance laws have been overhauled and that admirable achievement in useful legislation, the Robertson insurance law, holds millions of dollars in Texas annually to enrich our own people, that was formerly taken from Texas and Texas people under a system of laws and of business wholly indefensible. We have, in obedience to the platform and against much opposition, placed on the statute books of Texas a law guaranteeing deposits in State banks, and I hazard nothing in saying that Texas now has the best bank guaranty law ever devised or enacted. All this and more has during my administration been accomplished.

Recognizing the inequalities and unjust discriminations in the matter of fire insurance rates applied on property insured by the companies doing business in Texas, this Legislature at a former called session enacted a law having for its object the regulation of fire insurance premium rates and to adjust such premium rates upon a more equitable basis. The small insurer and small property owner and the small town were paying a higher rate of fire insurance premium than the large insurer and a higher average rate than those in some of the favored cities or localities. The law as enacted was based upon sound business principles, but was defectively constructed, and further legislation was

demanding for the protection of the insuring public against the unusual exactions of the insurance companies. This Legislature has undertaken, and I believe has succeeded, in enacting a workable law, and, under its terms, I feel safe in assuring you and the general public that at least 90 per cent of the people who carry fire insurance will have reduced rates, and that the other 10 per cent of the people will be protected against unjust rates and against unjust discriminations. The law is not just as I would have framed it, but if experience should show that it is not sufficiently effective to meet the objects sought, such amendments can be made by future legislation as may be necessary and such defects as experience may disclose can be cured. The principle of regulating fire insurance rates by law is, in my judgment, sound and should be maintained as a fixed policy of the State.

At the beginning of this administration there were more than four hundred insane patients confined in the county jails for want of accommodations at the State asylums for the insane. Room was provided and the jails were cleared in 1908 of all the unfortunate insane, for the first time in many years, and today there are accommodations for about one hundred and fifty additional white patients. (Applause.) If there is an insane white man or white woman in a jail in Texas, it is the fault of the local authorities. There are less than seventy-five negro insane in the county jails at this time, and they have been provided for at the present Called Session of the Legislature.

The Confederate Soldiers' Home at Austin is today more perfect in all its appointments than ever before. There are about three hundred and eighty soldiers residing at the Home; about sixty more than under any former administration, and there is room for every applicant now. There is for the first time in many years not one on the waiting list. Every applicant has been admitted and at this beautiful rest for the Confederate soldier everybody seems contented and happy. It is, indeed, a happy home. (Applause.)

The State's educational institutions, including our State University, the A. and M. College, the three State Normals, the Prairie View Normal for Colored Youths, the Deaf and Dumb Institute, the Blind Institute, and the Deaf, Dumb and Blind Institute for

Colored Youths, and the Girls' Industrial School at Denton, have each been provided with additional buildings, and more general improvements and equipment than in any like period in their history, and by an act of this Legislature another Normal School has been established at Canyon City, provided with buildings and equipment unsurpassed by any educational institution of its kind in the United States. The eleemosynary institutions, including the Orphan Home, have had every requirement met and every obligation of the State in this regard discharged, and each and all of them, as I believe, have been and are being efficiently managed.

During my first campaign I discussed the necessity for reform in our penitentiary system. In referring to the expressions of dissatisfaction with our prison system covering a period of many years, I pledged myself to needed reforms in that regard. Upon my induction into office of Governor, I made known to the penitentiary management the lines along which reforms should be inaugurated, and good results have been secured. Prior to the assembling of the Thirty-first Legislature, there was a renewal of the agitation for further reforms and, in sympathy as I was with any suggestion for the correction for all time of any abuses in the system and in the betterment of conditions, I recommended that the Legislature provide for a thorough investigation of prison affairs. That this investigation might be more effective, I participated in drafting the bill, suggesting amendments giving to the committee to be appointed more power and to the law a broader sweep, so that the work when completed would be of value to the Legislature in dealing with such permanent reforms as should be enacted into law. I see before me the author of the bill, and I call upon him to verify that statement. (Senator Meachum answered that the statement was correct.) The law was enacted and the committee appointed thereunder performed its duty in a most creditable manner. In submitting this subject to this Called Session, I transmitted the reports of the committee and all the evidence taken. I am pleased to state that the Investigating Committee recognized the reforms put into effect during this administration. The investigation covered a period of many years, during which time intolerable abuses were disclosed, but every member of the committee assured me personally that

from their personal inspection and from all the evidence taken they found that the present administration had made greater progress in intelligent reform than ever before, and that in the methods of employment and in the matter of treatment and care of convicts, in their clothing, feeding, housing and general management and humane discipline, greater improvement had been made along humanitarian lines than in any fifteen years before. (Noting the presence of the members of the Penitentiary Investigating Committee, the Governor asked them if his statement was correct, whereupon Senators Hudspeth and Weinert and other members of the Investigating Committee answered that it was.) The death rate is a fair index to the manner of life and living as well as to the care and treatment of the inmates of prisons. In the year 1908 there were 52 deaths from all causes out of a prison population averaging nearly 3600. In 1909 there were 50 deaths, and up to this time this year there have been only 18 deaths from all causes. A lower death rate according to population than can be shown by any town or city in the country according to the assurance given to me by the State Health Department. (Applause.)

Notwithstanding the tremendous expense incident to the improvement of the prison buildings and the facilities for the better care of convicts, the report of the Investigating Committee, transmitted to you, show a greater net profit from operation during the first three years of this administration, which was covered by their investigation, than could be shown during the entire history of the State penitentiaries. The members of the committee are before me now, and if the statement is not correct, I ask them to correct me.

The outlook for the present year is hopeful, and there is every reason to expect a good showing financially and otherwise.

I have not had an opportunity to see the bill you have passed, and only know in a general way its contents. I hope we have a good law. These reforms must go on, and whether you have a good law or not, these reforms and improvements and the humane treatment of convicts will be continued while I occupy the Governor's office. (Applause.) And right here I will say that it is my deliberate opinion that the State Railroad should not be sold. It should be

extended and operated in the interest of the people.

And let it always be remembered that during all this time, notwithstanding the widespread panic in the fall of 1907, and the unprecedented drouth in some sections of the State, there has never been a loss of a single dollar to a depositor in a State bank of this State, and there has never been for one moment any failure to meet every obligation of the State.

I have protected the State's honor and the State's credit, which I have regarded almost as sacred as my own. To do this it became necessary to secure the submission of two constitutional amendments, validating certain of her school district bonds and obligations running into millions. And let it be remembered, further, that during all this time, notwithstanding the opposition and misrepresentations encountered, some of which came from certain of our well-meaning but misled people, we have grown and prospered as never before in any like period, and without a parallel in any land or country. (Applause.) Immigration has poured into our State in an unbroken stream. Our State has grown in wealth, and new capital has taken residence among us, and every dollar of it has been provided with ample safeguards and protection. And let it never be forgotten, a fact which too many of our people seem to forget, that during these years that more capital has been invested in railways and more miles of railroad have been built than during any four years in the last twenty-five years, and there is at this time under construction and being projected for the current year a still greater railroad mileage. There has been during the last three years a growth and development in commercial, agricultural and manufacturing enterprises without parallel in any like period in our State's history. (Applause.)

On May 2, 1907, and just before any of the new laws took effect, we had 233 State banks, with a total capital and surplus of about \$8,000,000, and individual deposits amounting to \$16,317,395.97. On June 31 of this year we had 531 State banks, with a total capital and surplus of over \$16,000,000, and carrying deposits amounting to more than \$52,000,000, and there are more than 600 State banks in Texas today and every dollar on deposit with them is secured by a good law. (Applause.)

Our taxable values have increased

from \$1,225,000,000 in 1906 to over \$2.-360,000,000 in 1910. It is worth something to have been Governor of Texas during such an era and to have had some part in accomplishing so much for the good of our people and the glory of our State. I have been assailed and misrepresented probably more than any man who ever held a public office in Texas. The subsidized newspaper, the grafter, the lobbyist, the political hirelings, the agents of special interests, have all delighted to libel me, and I have delighted in their opposition. (Applause.) However, since I came into the office of Governor, no one has been Governor except T. M. Campbell. (Great applause.) The interests nor their "fixers" have been Governor, and will not be while I occupy that exalted station. I have not performed one single official act that I would not perform again, and during my time I have not recommended the enactment of a law that I would not recommend again. (Applause.) But my work will soon be finished, and my term is soon to close. My day's work will soon have been done, and my public service may be at an end. (Voices, "no, no.") Now, whatever may betide you and me, I beg you to know and believe that though we may at times have differed, in every hour of every day since I have been Governor and in every official act during that time, I have had in mind and on my heart only the good of the people who have twice, by generous majorities, made me their Chief Executive. To be Governor of this great State is indeed a great honor. Great as is the honor, the responsibilities are yet greater. Knowing something of these burdens, I bespeak not only for myself, but for him who is to succeed me, in all that makes for good, the cordial approval and patriotic support of the liberty-loving people of Texas. (Applause.)

Gentlemen of the Thirty-first Legislature, in bidding you adieu, I wish to assure you of my esteem for you and to thank those of you who have aided me in our battles for the people for your generous co-operation. I thank you. (Cheers and applause.)

SENATE RETIRES.

At the conclusion of Governor Campbell's address, Lieutenant Governor Davidson stated that the Senate would retire to its Chamber, whereupon the Honorable Senate retired from the Hall.

IN THE SENATE.

The Senate returned to its Chamber at 5 o'clock p. m., Lieutenant Governor Davidson presiding.

SIMPLE RESOLUTION.

By Senator Terrell of Wise:

Whereas, Hons. F. C. Weinert, Claude B. Hudspeth, D. A. Paulus and W. J. Greer, in compliance with an act passed by the Thirty-first Legislature of Texas, made a careful investigation of our penitentiary system, and by their great ability, untiring energy and lofty patriotism, Texas will have one of the best prison systems of any State in the Union; be it

Resolved, That the thanks of this body are hereby extended to them for their faithful services.

TERRELL of Wise,
RATLIFF,
COFER,
PEELER,
TERRELL of Bowie.

The resolution was read and adopted.

GOVERNOR CAMPBELL'S SPEECH TO BE PRINTED IN THE JOURNAL.

Here Senator Holsey moved that the speech by Governor Campbell, delivered to the Legislature today, be printed in the Journal.

The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 3—ADOPTION OF.

(Floor Report.)

Austin, Texas, September 9, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 3, Be it resolved by the Senate, the House of Representatives concurring, That the Fourth Special Session of the Thirty-first Legislature of Texas do stand adjourned sine die at 10 o'clock a. m., September 8, A. D. 1910.

Have had same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed, with the following (committee) amendment:

Strike out 10 o'clock a. m. September 8, A. D. 1910," and insert in lieu thereof the following: "10 o'clock a. m. September 10, A. D. 1910."

PEELER, Chairman;
COFER,
RATLIFF,
WARD,
ALEXANDER.

The above committee report, having been filed, on motion of Senator Peeler, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this resolution, by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Ratliff.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.

Absent.

Terrell of McLennan.

Absent—Excused.

Bryan.	Sturgeon.
Greer.	Veale.
Perkins.	Willacy.
Real.	

On motion of Senator Peeler, the committee report, with an amendment, and which provided that the resolution be not printed, was adopted.

The Chair laid before the Senate, Senate Concurrent Resolution No. 3, a resolution fixing tomorrow at 10 o'clock a. m., September 10, 1910, for the Fourth Called Session of the Thirty-first Legislature to adjourn sine die.

The resolution was read and adopted by the following vote:

Yeas—23.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Cofer.	Murray.
Harper.	Paulus.
Holsey.	Peeler.
Hudspeth.	Ratliff.
Hume.	Senter.
Kauffman.	Terrell of Bowie.

Terrell of McLennan. Watson.
Terrell of Wise. Weinert.
Ward.

Absent—Excused.

Bryan.	Sturgeon.
Greer.	Veale.
Perkins.	Willacy.
Real.	

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 9, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate Concurrent Resolution No. 3, relative to sine die adjournment of the Fourth Called Session of the Thirty-first Legislature at 10 o'clock a. m., September 10, A. D. 1910.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

PRESIDENT PRO TEM.—ELECTION OF.

The Chair here announced that the election of a President Pro Tem. for the ensuing vacation would be in order, and called for nominations.

Senator Hume, in a short speech, nominated Senator Weinert for that place.

Senators Cofer, Meachum, Holsey, Watson, Senter, Hudspeth, Murray and Alexander seconded the nomination.

There being no other nominations, the Chair declared nominations closed, and directed the Senators to prepare their ballots.

Senators Mayfield, Terrell of Bowie and Kauffman were appointed as tellers to count the votes.

Senator Weinert received 22 votes (all the votes cast), and was declared duly and constitutionally elected President Pro Tem. at the latter term of the Fourth Called Session of the Thirty-first Legislature.

President Pro Tem.-elect Weinert was escorted to the President's stand by Senators Cofer, Terrell of Wise and Murray, whereupon the constitutional oath of office was administered him by Lieutenant Governor Davidson.

Senator Weinert then addressed the Senate with a few minutes' speech, be-

ing introduced by Lieutenant Governor Davidson.

RECESS.

Senator Meachum moved that the Senate recess until 8:30 o'clock tonight.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Weinert.

There being no legislative business on the calendar, the evening was taken up by speeches, etc.

RECESS.

At 11:15 o'clock the Senate, on motion of Senator Mayfield, recessed until 9 o'clock tomorrow morning, September 10, 1910.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SIMPLE RESOLUTION RESCINDED.

Senator Watson here moved to rescind the action of the Senate on a former day, which provided that all the general bills passed by the Third and Fourth Called Sessions be printed in the last day's Journal.

The motion to rescind prevailed.

NOTIFICATION COMMITTEES.

Senator Brachfield moved that the Senate appoint a committee of three Senators to notify the Governor that the Senate was about to complete its labors, and would be ready to adjourn at 10 o'clock today, and that a like committee be appointed to notify the House.

The motion prevailed, and the Chair appointed the following committees:

To notify the Governor: Senators Holsey, Terrell of Bowie and Kellie.

To notify the House: Senators Brachfield, Alexander and Senter.

SIMPLE RESOLUTION.

By Senator Meachum:

Whereas, That great Democratic daily paper of Texas, the Houston Post, has

been ably represented upon this floor in reporting the proceedings of this body by its staff correspondent, J. E. Rosser; and,

Whereas, It is fitting that we express to the Houston Daily Post and to the said J. E. Rosser our appreciation of the fair, impartial and correct manner in which the proceedings of this body have been reported; therefore, be it

Resolved, That we do hereby express our appreciation to both the Houston Post and the said J. E. Rosser for the courtesies extended this body and for its fearless, accurate and impartial reports of the proceedings that have here transpired.

Resolved further, That this resolution be printed in the Journal, and a copy thereof by furnished the said The Houston Post and J. E. Rosser by the Secretary of the Senate.

MEACHUM,
WATSON,
HUDSPETH,
HUME.

The resolution was read and adopted, and, on motion of Senator Hudspeth, Mr. Rosser was invited to address the Senate. He was presented to the Senate and made a short talk.

COMMITTEE FROM HOUSE.

A committee from the House of Representatives appeared at the bar of the Senate, and notified the Senate that the House had completed its labors and was ready to adjourn.

THANKS BY CAPTAIN ZUBER.

Senator Meachum, on behalf of and at the request of Captain W. P. Zuber, thanked the Senate for the courtesies shown him for the purchase of his picture, now hanging in the Senate Chamber.

REPORT OF NOTIFICATION COMMITTEES.

The committees to notify the Governor and the House of the intentions of the Senate's adjournment made their reports, and were discharged.

REASON FOR VOTE ON PENITENTIARY BILL.

I am opposed to the use of the strap, and think the bill does not provide fully

enough for convicts testifying on trials of parties who are charged with offenses against prisoners, and have other objections to the bill, but as it provides for great reforms in our penal institutions, and is the best I can get, I vote for the bill.

TERRELL of Bowie.

' BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Free Conference Committee Substitute for House bill No. 9, "An Act requiring all railroads and steamship companies and other common carriers, or receivers thereof, except express companies and pipe line companies, upon receipt of freight, to issue bills of lading, and to authenticate, validate or certify such bills of lading under the provisions of this act; prescribing certain requirements for bills of lading, and defining straight and order bills of lading; prohibiting the issuance of order bills of lading in sets or in duplicate; making it the duty of the Railroad Commission to adopt and prescribe forms, terms and conditions for the authentication, validation or certification of bills of lading, and prescribing the duties of the Railroad Commission in reference thereto; providing that all carriers affected by this act shall keep posted in certain places a written instrument authorizing the agent of such carrier to sign bills of lading; prescribing the duties of carriers affected by this act, and their liability for failure to take up and cancel order bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when order bills of lading have been lost by the giving of bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining certain duties and liabilities of carriers affected by this act with reference to and under a bill of lading, and providing that a bill of lading validated, authenticated or certified in accordance with the provisions of this act in the hands of an innocent holder shall be incontestable concerning the matters therein set forth in the bill; providing conditions when the carrier shall not be liable under

the provisions of this act; creating and defining certain criminal offenses for the violation of the provisions of this act, and with reference to the issuance, negotiation or transfer of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Free Conference Committee Substitute for Senate bill No. 10, "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leases and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing penalty for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act."

SINE DIE ADJOURNMENT.

There being no further business before the Senate, and the notification committees having made their reports, the Chair (Lieutenant Governor Davidson) announced that the hour of 10 o'clock a. m., September 10, 1910, had arrived, at which time the Senate adjourned sine die by concurrent resolution fixing the time, after prayer by the Chaplain, Rev. H. M. Sears.

APPENDIX.

LETTER FROM SUPERINTENDENT HERRING.

The following is printed here by order of the Senate:

Huntsville, Texas, September 4, 1910.

Hon. McDonald Meachum, Austin, Texas.

My Dear Senator: I see from the

papers that there is some probability of the penitentiary bill passing both houses. I wish to say that, in my opinion, should the Senate bill become a law in which the use of the strap is strictly prohibited, a very grave mistake will have been made, and one that will be very demoralizing to the entire prison system, as well as to the convicts themselves. A majority of the convicts who have a clear record in prison today would vote to retain the strap, inasmuch as they know their safety depends upon discipline being maintained among the bad and unruly class of convicts, especially among the more hardened negroes and Mexicans. Whenever this latter class of convicts know that they will not under any circumstances be punished with the strap, mutinies and various other kinds of disturbances will be of common occurrence; therefore, I hope that you will think seriously about this matter. However, as far as I am concerned, it does not seriously affect me, as I have but little more than four months yet to serve; but I want to be fair to the incoming administration, and do not want to see any measure passed that will cripple or hamper them in any way; and I know that if you pass this bill to eliminate the strap you will have dealt them a hard blow.

I do not believe that anyone who knows me thinks I would advocate or allow convicts to be abused; and, therefore, I recommend that every possible safeguard be placed around the using of the strap. Make the law strict, and provide that it be used only in extraordinary or very extreme cases, but I hope that you will not make the mistake of eliminating it entirely.

Only last Friday my office was in receipt of the following telegram, dated September 2, 1910:

"Come at once. Thirty-six men mutiny at Cisco landing." (Signed) J. L. Brooks, Sergeant.

In cases of this kind, what are we to do? I was not at my office when the telegram was received, but the inspector had just left Huntsville for that place. I am unable to hear this morning what the situation is, and merely mention this incident so that you may see what we are up against. The public is not familiar with this side of the case, but the man or men who undertake to run the penitentiaries of this State with the class of prison population we have will soon get familiar with it; and if you entirely eliminate the

strap, you will have them badly handicapped to begin with.

I hope that you can see your way clear to help retain the use of the strap in its extreme cases. I have written you fully and frankly in this matter, as I feel a deep interest in the future welfare of the penitentiary and hope to see it a success.

With kindest personal regards, I am sincerely your friend,

(Signed) J. A. HERRING.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, September 10, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Free Conference Committee substitute for Senate bill No. 10, "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners, as herein defined, shall be permitted to testify in certain cases; to abolish the leases and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing penalty for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act,"

And find it correctly enrolled, and have this day, at 9:50 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill:

A BILL

To Be Entitled

An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners, as herein defined, shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor, and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment, and shall be given opportunity, encouragement and training in the matter of reformation.

Sec. 2. The prison system of this State, as referred to in this act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk, and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are, or may be kept or worked, together with all property of every character belonging thereto or connected therewith.

Sec. 3. It is hereby declared the policy of this State to work all prisoners within the prison walls and upon farms owned by the State, and in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon

shares, or upon any other farm or place other than that owned or controlled by the State of Texas after January 1, 1914; provided, that all contracts for prison labor in existence at the time this act takes effect shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914; provided further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out of prisoners at the earliest practicable time.

Sec. 4. To better carry out such policy, the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this act, who shall hold their offices respectively for eight, sixteen and twenty-four months from the date of their appointment and qualification. In the appointment of said Commissioners first to be appointed under this act, the Governor shall designate the term each one shall hold under such appointment; provided, however, that in the event of a change in the Constitution, extending the term of office of the Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot or in conformance with the provisions of such constitutional amendment without the necessity of further legislative enactment.

Sec. 5. Each member of said Commission shall, within ten days after his appointment, execute a bond, payable to the Governor of this State and his successors in office for the use of the State, in the sum of \$50,000, and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity fidelity or bonding companies authorized to do business in Texas, the form of which bond shall be prepared by the Attorney General and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State, which said bond shall not be

void on the first recovery of part, or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust, until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond; and before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State.

Sec. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of three hundred dollars per month, to be paid at the end of each month, and in addition thereto he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid together with said salary out of the funds of the prison system, all such expense accounts to be itemized and sworn to in duplicate and approved by the Board of Prison Commissioners, or a majority of said board, one copy to be kept with the records of the Board of Prison Commissioners and one copy to be filed with the Comptroller of Public Accounts. Each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, Texas, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy free of rent the residence houses belonging to the State at Huntsville.

Sec. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office, and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested. And any violation of any of the provisions of this section of this act shall be sufficient ground for his removal from office.

Sec. 8. That said Prison Commission

shall be vested with the exclusive management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent and purpose of the laws and rules governing said system; provided, that the Prison Commission shall be held responsible for maltreatment of prisoners, and, if permitted, it shall be grounds for removal from office.

Sec. 9. That the said Prison Commission shall have the power to and it shall be their duty to appoint all necessary officers, all physicians, chaplains, teachers and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, and they shall require all appointees, who, in discharging their duties, are charged with handling any funds of the system or State, to execute bond in such amount as may be fixed by the Prison Commission, payable to the Prison Commission for the use and benefit of the State, to be conditioned for the faithful performance of their duties.

Sec. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The Commissioners shall select one of their number as chairman. They shall designate one member to have supervision over the finances and financial transactions of the prison system, one who shall supervise the feeding, clothing, care and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be known and designated as the Superintendent of Parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may now or hereafter be in force in this State, unless otherwise directed by law. Provided, that the work of each member so designated shall be under the general supervision of and he shall report his actions to the Prison Commission. The provisions of this section are intended to facilitate the work of the Prison Commission and shall not be construed as relieving the full Board of the Prison Commissioners of any authority or general responsibility for the management of the prison system. The Prison Commission shall keep or cause to be kept in a well-bound book a minute of the proceedings of all meetings held by them.

Sec. 11. The Prison Commission shall have the authority at all times to dis-

charge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system, or for any dereliction in duty, or whenever they may deem it to be for the best interests of the service.

Sec. 12. The Prison Commission shall have the power to purchase or cause to be purchased with such funds as may be at their disposal, any lands, buildings, machinery, tools or supplies for the benefit of said prison system, and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Board of Prison Commissioners with all power and authority necessary for the proper management of the prison system of this State.

Sec. 13. The Prison Commission shall have power, with the approval of the Governor, to purchase such land as may, in their judgment, be necessary in the operation of said system, and the employment of prisoners confined in said prison, and in the purchase thereof they may pay such sum in cash as may be agreed upon with the vendor and for the unpaid purchase money to become due upon said land they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties, and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon, and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged, and that no personal liability against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally, as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this act shall be examined, passed

upon and approved as good and sufficient by the Attorney General, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Commission, and their successors in office, as trustees for the State.

Sec. 14. The Prison Commission may buy annually so many acres of land as will, not later than January 1, 1914, or sooner, if practicable, enable all prisoners hired out or employed on share or contract farms, and who are not otherwise employed by the State, to be employed directly on farms belonging to the prison system.

Sec. 15. The Prison Commission is authorized, and it shall be its duty, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fire-proof, well-ventilated prison buildings, providing a separate cell or room for each prisoner, as far as conditions and the welfare of the prisoners demand, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms and chapels, and other necessary conveniences for the benefit of the prisoners. The provisions of this section shall be carried out to completion as rapidly as is practicable, so that the same shall be completed in the entire system within six years from the taking effect of this act.

Sec. 16. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property at such price and on such terms as may be deemed best by them, and they may, with the approval of the Governor, sell or lease any real estate or other fixed property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall, in the purchase or sale of all real estate, or in the purchase or sale of any machinery or equipment for the prison system exceeding in value the sum of \$5000, advertise in the manner prescribed by

the Prison Commission for bids for such property in at least three daily papers in this State having a general circulation, and shall give all such bids received to the public press at least thirty days before any such contract is let.

Sec. 17. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the Prison Commission, which fund shall be known as the Prison Commission Account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 22 of this act. The Prison Commission is authorized to draw upon the Prison Commission Account with the State Treasurer, such sum or sums of money and at such time or times, as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars; and, provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission Account to be paid. On December 1st of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the Prison Commission Account and send deposit receipt to the Prison Commission.

Sec. 18. The Prison Commission may at any time issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, and for such contingencies as may at any time arise concerning the management of the prison system, or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established, and shall be binding on all underofficers, employes and all persons whomsoever in any way connected with the State prisons or its management, or its prisoners within and without the

walls. The Prison Commission shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system, and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employes and guards as will ascertain their knowledge of such law, rules and regulations, and any such officer, employe or guard who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

Sec. 19. It shall be the duty of some member or members of the Prison Commission to spend at least one whole day each month, without notice, at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept, may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

Sec. 20. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiaries at Huntsville by the sheriffs of such respective counties, if such sheriffs are willing to perform such services as cheaply as said Commission can have it done otherwise. Said transportation shall be on State account, and in no instance shall the prisoners be carried direct from the county jails to

the State farms, but shall first be carried to the penitentiary at Huntsville, where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at the penitentiary at Huntsville the Prison Commission shall cause a statement to be made by the prisoner, giving a brief history of his life, and showing where he has resided, the names and postoffice addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall, by correspondence or otherwise, verify or disprove such statements, if practicable, and shall preserve the record and information so obtained for future reference.

Sec. 21. The Prison Commission shall cause to be made annually on the 1st day of January, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description belonging to the prison system, and shall cause to be set opposite each item the book value, and also, the actual value of the same, so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system a system of books, showing a separate account with each industry and farm and for the system as a whole, showing the losses, profits and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the 1st day of January to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system and the methods of dealing with the convicts thereof.

Sec. 22. The member of the Prison Commission designated by the board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission from every source whatsoever, and shall sign all vouchers or warrants authorizing the payment or disbursement of any sum or sums on account of the prison system,

and no money shall be paid out on any account of the prison system except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officer or employee at stated intervals. All deposits of prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accountants and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the Prison Commission, in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer, one of the other Prison Commissioners may sign such receipts, warrants or vouchers.

Sec. 23. On the taking effect of this act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and the State Treasurer a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, pay rolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the 1st day of January of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and State Treasurer, or by a majority of said officers, for any incompetency, neglect, failure or refusal to discharge the duties of his office, or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and State Treasurer renders him unfit for said office, and in the case of the discharge or resignation of any auditor, another shall be appointed by said officers or a majority of said officers. During the term of his services such accountant shall be paid monthly a salary of two hundred dollars per month and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison sys-

tem, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

Sec. 24. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

Sec. 25. Except for third-class prisoners, within a reasonable time and not later than six months after the taking effect of this act, the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

Sec. 26. The Prison Commission shall, as soon as practicable, provide each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language and industrial education, and such other instruction as they may prescribe, and shall provide suitable recreation for the prisoners at reasonable hours, including music, and they shall employ such number of competent teachers to instruct the prisoners in the same as in the judgment of the Prison Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such schools. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library, and may adopt such other means of distributing among the prisoners good and wholesome literature, as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall, as far as practicable, be taken from the convicts, and such teachers may be excused from further labors. The chaplain shall be ex-officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

Sec. 27. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each

month, said chaplains to devote their entire time to religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty; provided, that chaplains may also be teachers, as provided for in this act.

Sec. 28. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office or shall become incapable or unfit to discharge his official duties, or shall wilfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by Article 3528, Revised Statutes of 1895.

Sec. 29. The Prison Commission shall, except as provided in this act, fix the salaries of all officers and employees of the prison system upon such basis as the labor and ability of the officer or employee entitles him to, such salary to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than thirty-five dollars per month and furnish them board and lodging free; provided, that for meritorious service and adaptability to the work, the Prison Commission may increase the pay of any guard to an amount not to exceed forty dollars per month. No person shall be employed as a guard to guard convicts who is not at least 21 years of age, of good moral character, and who is not able to read and write, and has not a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the Prison Commission shall require all officers and employees connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the Prison Commission shall require all officers and employees connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 30. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared, under wholesome sanitary conditions and in sufficient quantity and reasonable variety, and they shall hold

all underofficers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks.

Sec. 31. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

Sec. 32. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept, they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence or otherwise.

Sec. 33. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission, in addition to the requirements of this act, to provide every reasonable and practicable means for the encouragement of such reform. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than others, and likely to observe the laws, and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work, and reasonably obedient to prison discipline as not to seriously interfere

with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible, or so insubordinate, or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another, and shall transfer them from one class to another from time to time, as they may seem to merit promotion or reduction. The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner, upon entering the prison system, shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade, which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade, which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline and for demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided. In order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, and placing prisoners in stocks shall be prohibited. Whipping, with not exceeding twenty lashes on the bare rump and thighs may be resorted to with prisoners of the third class, who can not be made to observe the rules by milder methods of punishment. The strap to be used must be of leather, not over two and one-half inches wide, and twenty-four inches long, attached to a wooden han-

dle; no convict shall be whipped until same has been authorized by at least two members of the Prison Commission upon their written order, and such order so issued shall be executed only in the presence of a prison physician, and a sworn report shall be made by the officer executing such order to the Penitentiary Commission, who shall keep a record of all such report in a well-bound book, to be kept for that purpose, which shall be at all times open to public inspection; and such report so to be made by such officer executing the order of the Penitentiary Commission, shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Penitentiary Commission to make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby authorized to make investigation thereof, if they deem same advisable. The utmost care must be used by the officer executing the order of the Commission not to break the skin of the prisoner whipped, and any person guilty of whipping a prisoner more lashes or other than as provided herein, or striking a prisoner, except in self-defense, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$250, and imprisoned in the county jail not less than thirty days nor more than six months. White and negro prisoners shall not be worked together when it can be avoided, and shall be kept separate when not at work.

Sec. 34. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable, the Prison Commission shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners, and shall provide reasonable rules and regulations for the government of the same.

Sec. 35. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such that they can perform any physical labor; provided, that in the absence of the physician the matron shall pass upon the physical condition of said female prisoners.

Sec. 36. The Prison Commission shall keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 37. At the place where female prisoners are kept none but married men shall be employed as guards, and the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live. And said guards shall be allowed \$10 per month in addition to his salary in lieu of his board, said houses not to be situated further than one hundred yards from the main prison building where such female prisoners are kept.

Sec. 38. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

Sec. 39. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of 10 cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this section 25 cents per day for each day of such good time so forfeited; provided, that when such prisoner has a family or relatives within the second degree by consanguinity or affinity, dependent upon him, such saving shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives then said saving shall be paid to him upon his discharge from prison. And if he be a life-term prisoner such saving may be paid as directed by him, with the approval of the Prison Commission. But if he should die in prison without such dependent relations such saving shall revert to the State.

Sec. 40. No prisoner shall be worked on Sunday except in cases of extreme necessity, and all prisoners so required

to work on Sunday shall be paid out of the funds of the prison system the sum of \$1 per day for each Sunday so worked.

Sec. 41. The various provisions of this act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

Sec. 42. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term, the commutation allowed for one month of such year may be forfeited, for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape, the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the

part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

Sec. 43. Hereafter, life or long-term prisoners who have actually served fifteen years and have no sustained charges of misconduct and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation, as if originally sentenced for a term of years, except the Governor shall otherwise direct.

Sec. 44. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only the Prison Commission may allow the prisoner to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining room each Monday morning for the coming week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 45. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission; provided, that no prisoner shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner, which shall not be less than one hour. And in case of such extreme and un-

avoidable emergency said prisoner shall receive out of the funds of the prison system the sum of 10 cents per hour for such work so performed more than ten hours per day. In going to and returning from work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until first having been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 46. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place shall be accordingly removed.

Sec. 47. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of a prisoner's money who misappropriates the same, or any part thereof, shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary for a term of not more than five years.

Sec. 48. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the Prison Commission out of any available penitentiary funds on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried in

citizen's clothes, and the grave marked by a stone with the name of said prisoner, date of death, and age, if known, inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this section, who shall fail to discharge such duties, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

Sec. 49. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under their care and control shall at once notify the nearest justice of the peace of the county in which said prisoner died of the death of said prisoner, and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner, and said justice of the peace shall reduce to writing the evidence taken during such inquest and shall furnish a copy of the same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died, and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury if there should be any suspicion of wrongdoing shown by the inquest papers to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on

sworn account therefor, approved by the Prison Commission.

Sec. 50. The Prison Commission shall provide for competent medical attention for all prisoners, and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in practice. Each physician employed in the prison system shall at the end of each month file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the names, race and sex of each prisoner treated, or examined by him during said month, the malady or disease with which each was afflicted, and if any shall be suffering with wounds or injuries inflicted by accident or some individual he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said months as he may possess; provided further, that for a failure to make such a report or any false statement knowingly made by any such physician in any such reports he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

Sec. 51. The Prison Commission shall also provide a competent dentist or dentists whose duty it shall be to care for the teeth of the prisoners; such dentist or dentists shall at the direction of the Prison Commission visit the various places where prisoners are kept or worked at such intervals as may be prescribed.

Sec. 52. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed, signed by the Chairman of the Board of Prison Commissioners, giving the prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit and unredeemable and non-transferable railroad transportation to the nearest

depot from whence sentenced, but, if such prisoner prefers, he may receive such transportation to any point in this State designated by him.

Sec. 53. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 54. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner as may be fixed by the Prison Commission, and to be paid as directed by the Prison Commission.

Sec. 55. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing or other property belonging to or under control of the prison system shall be guilty of theft, and upon conviction be punished as prescribed by law.

Sec. 56. Any officer, agent or employe in any capacity connected with the prison system of this State who shall be financially interested, either directly or indirectly, in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party, or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

Sec. 57. Any sergeant, guard or other officer or employe of the prison system of this State who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system shall be guilty of an assault, and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make

complaint before the proper officer of any county in which such assault was committed upon such prisoner; provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners and ex-prisoners shall be permitted to testify.

Sec. 58. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaging in or knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 59. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points and the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all official acts.

Sec. 60. The Prison Commission, by and with the consent of the Governor, shall have the power to work convicts on public works, when they can not employ them on the State farms or within the walls by reason of some unforeseen calamity, such as failure of crops, or the destruction of crops by wind or flood. When convicts are worked on public works owned by the State

or a subdivision of the State, the humane provisions of this act shall be strictly complied with.

Sec. 61. Chapters 1, 2, 3, 4, 5, 6, 7 and 8, Title 79, of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith, are hereby repealed.

Sec. 62. In view of the fact that the terms of office of the Superintendent, the Assistant Superintendent and the Financial Agent of the penitentiary system do not expire until about January 20, 1911, and the further fact that the penitentiary system is a large business enterprise, and to make the changes in the management thereof provided in this act will require some time, and the further fact that the crops grown upon the State farms are now being harvested, and the harvesting thereof will not be completed before January next, it is deemed expedient that this act shall take effect January 20, 1911, and not before, and it is so enacted.

Sec. 63. If any provision, or provisions, of this act shall be held invalid, the remaining provisions shall not be affected thereby, but the same shall be given full force and effect.

APPENDIX A.

SENATE BILLS AND RESOLUTIONS—HISTORY OF IN SENATE.

By Senator Weinert:		Committee appointed	23
Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, out of the public revenue not otherwise appropriated, to pay per diem of members and per diem of officers and employes of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency."	Read first time, and referred to Finance Committee	House requests return of bill for further consideration	23
	Reported favorably and be not printed	House grants request for Free Conference Committee	28
	Constitutional rule suspended and bill placed on second reading; Senate rule suspended; read second time; committee report adopted; constitutional rule suspended; read third time and passed.....	House reports adoption of Free Conference Committee report.....	28
	Reported engrossed	Senate adopts Free Conference Committee report	30
	Received from House.....	Signed	98
	Signed	Enrolled bill in full.....	99
	Enrolled bill in full.....		
By Senators Brachfield and Kauffman:			
Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, out of the public revenues not otherwise appropriated, to pay the contingent expenses of the Fourth Called Session of the Thirty-first Legislature of Texas, and declaring an emergency."	Read first time, and referred to Finance Committee	Senate bill No. 3, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor; and making an appropriation for the Bureau of Labor Statistics; and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."	
	Reported favorably and be not printed	Read first time, and referred to Judiciary Committee No. 1.....	5
	Constitutional rule suspended and bill placed on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed.....	(Died in committee.)	
	Reported engrossed		
	Received from House with amendments	By Senators Senter and Brachfield:	
	Senate refused to concur in House amendments and requested a Free Conference Committee	Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties, and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to re-	

quire all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.”

Read first time, and referred to Committee on Internal Improvements 5
 Reported favorably with amendments and be printed in Journal. 33
 Read second time, committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed 47
 Reported engrossed 65
 Received from House with amendments 79
 House amendments concurred in... 85
 Signed 99
 Enrolled bill in full..... 101

By Senator Hudspeth:

Senate bill No. 5, A bill to be entitled “An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency.”

Read first time, and referred to Committee on Insurance, Statistics and History..... 6
 Reported favorably and be not printed 10
 Read second time, committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed.....11, 12
 Reported engrossed 16
 (Died in House.)

By Senators Peeler, Harper, Kellie, Bryan and Cofer:

Senate bill No. 6, A bill to be entitled “An Act to amend Articles 4549 and 4550, of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribing the conditions upon which the purchaser or purchasers and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency.”

Read first time, and referred to Committee on Internal Improvements 6
 Reported favorably and be printed in Journal 24
 Read second time; committee report adopted; amended; amendment pending and further consideration postponed 29
 Taken up, amended, amendment pending 36, 37
 Taken up, amended, ordered engrossed; constitutional rule suspended; read third time and passed; final passage reconsidered and spread on Journal..... 39-46
 Reported engrossed 65
 Recalled from House (see Simple Resolution) 64
 Received back from House..... 66
 Final passage vote reconsidered, amended and passed..... 79, 82
 Received from House..... 86
 Signed 98
 Enrolled bill in full..... 100

By Senators Hudspeth, Brachfield, Willacy and Terrell of McLennan:

Senate bill No. 7. A bill to be entitled “An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board; and to make mutual fire insurance com-

panies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.....	11
Reported favorably and be not printed	15
Constitutional rule suspended and bill placed on second reading; Senate rule suspended; read second time; committee report adopted; amended; ordered engrossed; constitutional rule suspended; read third time and passed.....	14
Reported engrossed	22
Received from House with amendments	69
Senate refused to concur in House amendments and requested a Free Conference Committee	70, 79
House grants request for Free Conference Committee	79
Senate instructs Free Conference Committee	103
Senate rescinded action by which Free Conference Committee was instructed	115
Free Conference Committee report adopted	115, 127
House reports adoption of Free Conference Committee report.....	142
Signed	146
Enrolled bill in full.....	175

By Senators Cofer and Mayfield:

Senate bill No. 8, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading, making all negotiable bills of lading negotiable by indorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing

how bills of lading shall be issued; providing for the verification of bills of lading by affidavit of local agent of carrier, prescribing form of such affidavit; providing for record of same, and fixing fee for taking same, and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions, prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements	16
Reported favorably	31
Read second time and laid on table subject to call.....	61
(Died on table.)	

By Senators Cofer and Bryan:

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this

act; providing the forms of bills of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected with the issuance and handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements 17
Reported favorably 32
Read second time and laid on the table subject to call 61
(Died on table.)

By Senators Weinert, Greer, Hudspeth, Paulus, Alexander, Murray and Senter:

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act."

Read first time, and referred to Committee on State Penitentiaries 40
Reported favorably 65
Read second time, and considered in Committee of the Whole, pending 69
Taken up, considered in Committee of the Whole, pending 83

Taken up; report of Committee of the Whole adopted; amended; pending 90, 91, 93

Taken up; amended; ordered engrossed; constitutional rule suspended; read third time and passed 104, 106

Reported engrossed 129

Received from House with amendments 148

Refused to concur in House amendments and Free Conference Committee requested 160

House grants request for Free Conference Committee 161

Vote by which Senate refused to concur in House amendments and Free Conference Committee requested, rescinded 162

Bill read and referred to Committee on State Penitentiaries 162

Reported favorably, with amendments and be not printed 162

Constitutional rule suspended and bill placed on second reading; Senate rule suspended; read second time; committee report adopted; ordered engrossed; constitutional rule suspended; read third time and passed 173

House refused to concur in Senate's action and requested a Free Conference Committee 185

Senate refused to accept House message (see resolution and motion) 186

House refused to concur in Senate amendments and requested appointment of a Free Conference Committee 187

Senate grants request and appoints committee 187

Senate instructs Free Conference Committee 196

Senate Free Conference Committee report 199

House reports adoption of Free Conference Committee report 215

Senate adopts Free Conference Committee report 215

Signed 226

Enrolled bill in full 227

By Senator Kauffman:

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three mile limit and

condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause, approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries 63
 Reported favorably and be not printed 84
 Senate rule suspended; read second time; committee report adopted; constitutional rule suspended; read third time and passed..... 67
 Reported engrossed 83
 Received from House..... 82
 Signed 98
 Reported enrolled 99

By Senator Terrell of McLennan:

Senate bill No. 12, A bill to be entitled "An Act to authorize the working of short-term felony convicts on the public roads by the counties of Texas; defining who are short-term convicts, and providing rules and regulations under which said convicts can be worked."

Read first time, and referred to Committee on State Penitentiaries 86
 Reported favorably 89
 Read second time, pending..... 113

Taken up and laid on table subject to call 147
 (Died on table.)

By Senator Murray et al.:

Senate Concurrent Resolution No. 1:

Whereas, On the night of August —, 1910, a company of State Rangers were led into a trap and fired upon from ambush, resulting in the killing of two Rangers and the serious wounding of two others; therefore, be it

Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding five thousand dollars for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

For the purpose of carrying into effect the provisions of this resolution, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of five thousand dollars, or so much thereof as may be necessary to pay such reward as the Governor may see proper to offer.

Read first time, and referred to Finance Committee 23
 Reported, favorable majority, adverse minority, and be not printed 38
 Read and postponed indefinitely... 62

By Senators Watson, Weinert, Perkins, Kellie and Paulus:

Senate Concurrent Resolution No. 2:

Resolved by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, September 3, 1910.

Read first time, and referred to Committee on State Affairs..... 63
 Reported, adverse majority, favorable minority, and be not printed 84
 Read, minority report adopted, and passed 66
 (Died in House.)

By Senators Brachfield and Watson:

Senate Concurrent Resolution No. 3:

Be it resolved by the Senate, the House of Representatives concurring. That the Fourth Special Session of the Thirty-first Legislature of Texas do stand adjourned sine die at 10 o'clock a. m., September 8, A. D. 1910.

Read and referred to Committee on State Affairs 187
 Reported favorably, with amendments, and be not printed..... 223

Senate rule suspended; read; committee report adopted and passed 224
Received from House..... 224

SIMPLE RESOLUTIONS.

By Senator Terrell of Bowie:

Providing for committee to determine how many and what stenographers and employes be retained during the Fourth Called Session.

Read and adopted..... 3

By Senator Senter et al.:

Providing for committee of seven members to act concurrently with a like committee from House to prepare penitentiary bill.

Read and adopted..... 4

By Senator Hudspeth:

Providing for newspaper subscriptions.

Read and adopted..... 5

By Senator Hudspeth:

Extending good wishes to Senator Willacy.

Read and adopted..... 8

By Senator Terrell of McLennan:

Requesting publication of report of Penitentiary Investigating Committee.

Read and laid on table subject to call 9

By Senator Watson:

Extending privilege of the floor to ex-Lieutenant Governor Neal.

Read and adopted..... 11

By Senator Harper:

Providing postage for Secretary.

Read and adopted..... 23

By Senator Brachfield:

Requesting House to return Senate bill No. 6.

Read and adopted..... 64

By Senator Hudspeth et al.:

Providing for officers to fill vacancies.

Read and adopted..... 66

By Senators Cofer and Mayfield:

Extending privileges of floor to Senator-elect Lattimore.

Read and adopted..... 69

By Senator Terrell of Bowie et al.:

Authorizing payment of certain account.

Read and adopted..... 82

By Senator Hudspeth:

Requesting instruction relative to action of Free Conference Committee on Senate bill No. 7.

Read and adopted..... 103

Action rescinded 115

By Senators Terrell of McLennan and Senter:

Relative to State Railroad.

Read, amended and adopted..... 103

By Senator Watson:

Providing for printing general bills in Journal.

Read and adopted..... 147

(See motion rescinding above.)

By Senator Hudspeth:

Providing for purchase of picture of Captain W. P. Zuber.

Read and adopted..... 148

By Senator Meachum et al.:

Relative to House message.

Adopted 186

By Senator Terrell of Bowie:

Allowing Secretary postage for mailing out Journals.

Read and adopted..... 188

By Senator Harper:

Providing for committee to arrange for post-session clerical work.

Read and adopted..... 188

See report of..... 188

By Senator Terrell of Bowie:

Relative to Senate bill No. 10.

Tabled 190

By Senator Meachum et al.:

Instructing Free Conference Committee on Senate bill No. 10.

Read and adopted..... 197

By Senator Meachum:

Inviting ex-Senator Randolph to address the Senate.

Read and adopted..... 198

By Senator Holsey et al.:

Inviting Master J. T. Wade on floor of Senate.

Read and adopted..... 213

By Senator Peeler: Thanking O. D. Parker for weather reports. Read and adopted.....	213	By Senator Brachfield et al.: Commending officers and employes for efficient services. Read and adopted.....	214
By Senator Terrell of Bowie: Thanking press of State for advocacy of prison reform. Read and adopted.....	213	By Senator Terrell of Wise: Expressing appreciation of services of Senators Weinert, Paulus, Hudspeth and Greer as members of Penitentiary Investigating Committee. Read and adopted.....	223
By Senator Meachum et al.: Relative to Senator Willacy. Read and adopted.....	214		

APPENDIX B.

HOUSE BILLS—HISTORY OF IN SENATE.

House bill No. 3, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in constructing or repairing railroad cars, trucks or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employees engaged in constructing or repairing railroad cars, trucks and other railroad equipment and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

Received from House.....	23
Read first time, and referred to Committee on Internal Improvements	23
Reported favorably and be not printed	48
Read second time and laid on table subject to call.....	62
(Died on table.)	

House bill No. 4, A Bill to be entitled "An Act to amend Articles 4549 and 4550, of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and to prescribe the conditions upon which the purchaser or purchasers and associates, if any, of the property and franchises of a railroad company, may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

Received from House.....	39
Read first time, and referred to Committee on Internal Improvements	40
(Died in committee.)	

House bill No. 8, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

Received from House.....	23
Read first time and referred to Judiciary Committee No. 1.....	23
Reported favorably and be printed in Journal	32
Read second time; committee report adopted; amended; passed to third reading; constitutional rule suspended; read third time and passed	46
House reports concurrence in Senate amendments	66
Signed	83

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing

upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Received from House.....	60
Read first time, and referred to Committee on Internal Improvements	61
Reported favorably, with amendments	64
Read second time; committee report adopted; pending	110, 113
Taken up; pending.....	114
Taken up; amended; passed to third reading; constitutional rule suspended; read third time; amended and passed	141, 145
House refuses to concur in Senate amendments and requests a Free Conference Committee	147
Senate grants request for Free Conference Committee	147

Senate adopts Free Conference Committee report	194
House reports adoption of Free Conference Committee report.....	196
Signed	226

House bill No. 12, A bill to be entitled "An Act providing for the payment by the State of Texas each year out of the revenue derived from the penitentiary system to each county where State farms are owned by the State an amount equal to the county taxes which would have been assessed against the land composing said farm for each year if owned by individuals, which amount to be charged as expenses against the farm; providing for the rendition by the penitentiary officials of the land embraced in said farms, limiting the assessment of State property to the lands only and providing for the payment by the State to each county of the amount which would have been due said county for taxes on said farms since the purchase thereof by the State up to and including the year 1910, and declaring an emergency."

Received from House.....	86
Read first time, and referred to Finance Committee	86
Reported favorably and be not printed	89
Constitutional rule suspended; Senate rule suspended; read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time and passed	87
Signed	99

House bill No. 14, A bill to be entitled "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

Received from House.....	28
Read first time, and referred to Finance Committee	29
Reported favorably and be not printed	38
Read second time; committee report adopted; passed to third reading; constitutional rule suspended; read third time and passed.....	48
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House bill No. 17, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all

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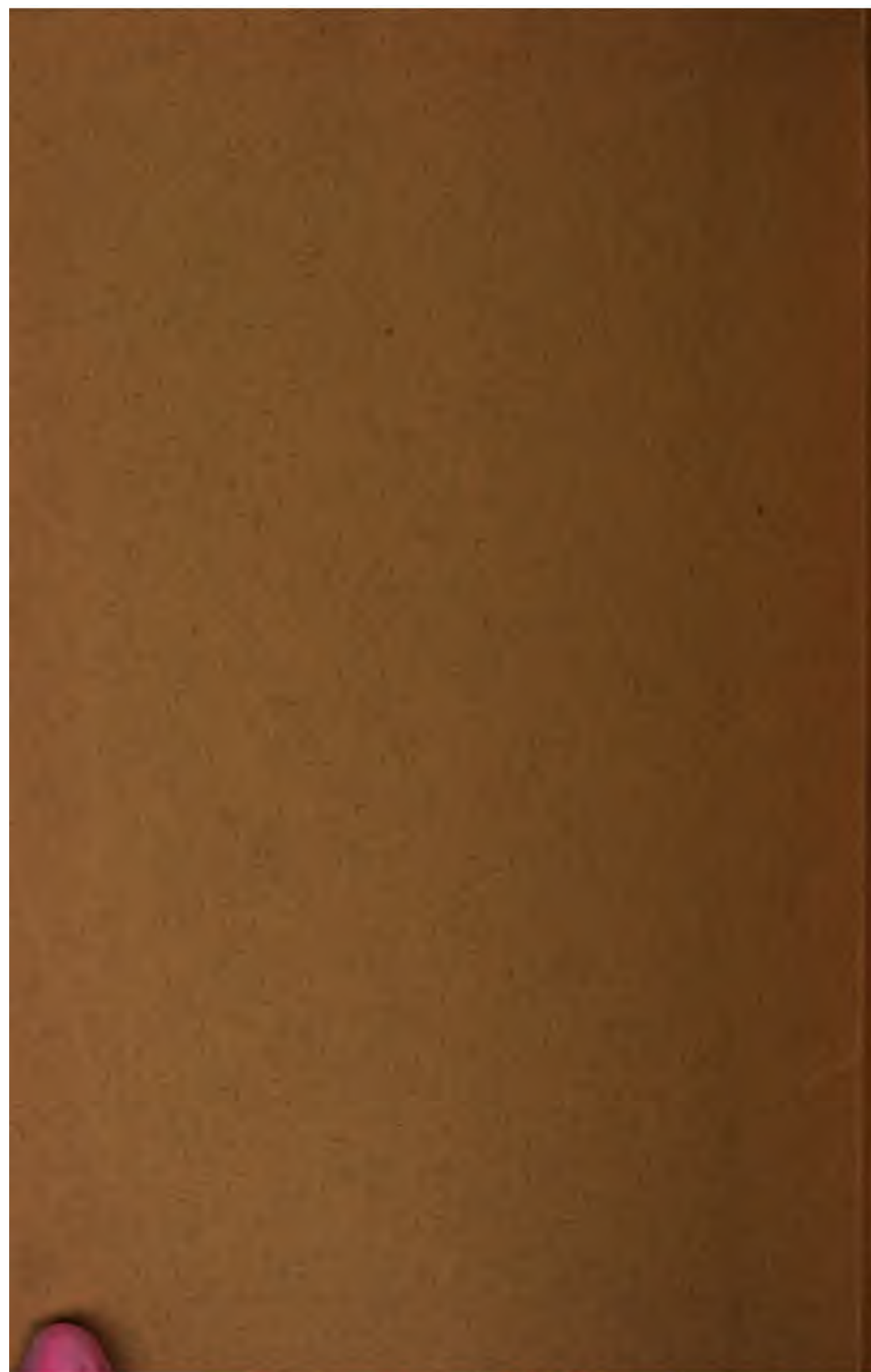
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